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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIRST DAY

House Chamber, Olympia, Monday, January 12, 2004

The House was called to order at 12:00 Noon by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by the Washington National Guard Honor Guard. The national anthem was sung by the Minutemen, the men's quartet of the 133rd Army Band, Washington National Guard. The Speaker led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Gerald Pryor, Washington Army National Guard.

MESSAGE FROM THE SECRETARY OF STATE

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

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29.62.120, 130, I have canvassed the returns of the 1,300,602 votes cast by the 3,212,043 registered voters of the state for and against the initiatives, resolutions and joint legislative district(s) which were submitted to the vote of the people at the state general election held on the 4th day of November, 2003, as received from the County Auditors.

Washington State Initiative to the People, 841

Initiative Measure No. 841 concerns the repeal and future limitation of ergonomics regulations. This measure would repeal existing state ergonomics regulations and would direct the department of labor and industries not to adopt new ergonomics regulations unless a uniform federal standard is required.

Yes	656,737
No	570,980

Washington State House Joint Resolution, 4206

The legislature has proposed a constitutional amendment on filing vacancies in legislative and partisan county elective offices. This amendment would permit newly-elected officers to take office early if the office falls vacant after the general election and the newly-elected officer is of the same political party as the former officer.

Yes	1,008,710
No	207,720

Legislative District #19, Senator

Mark I. Doumit D	18,515
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Patricia Hamilton R 10,872

Legislative District #19, Representative #3

Brian Blake D 18,556
Mike Kayser R 10,202

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 4th day of December 2003.

SAM REED
Secretary of State

RESIGNATION OF REPRESENTATIVE JEAN BERKEY

January 5, 2004

Governor Gary Locke
State of Washington
Olympia Washington 98504

Dear Governor Locke,

I have been appointed this morning by the Snohomish County Council to fill the position of Senator for the 38th Legislative District. This appointment made today is to fill the seat vacated by Senator Aaron Reardon. I am currently serving as a member of the House of Representatives from the 38th Legislative District in Position 2 and am resigning this position effective today.

Sincerely,

Jean L. Berkey
State Representative
38th Legislative District

RESIGNATION OF REPRESENTATIVE CHERYL PFLUG

January 5, 2004

Governor Gary Locke
State of Washington
Olympia Washington 98504

Dear Governor Locke,

Pursuant to RCW 42.12.020, please accept my resignation from the Washington State House of Representatives effective immediately upon my being sworn in to serve as a state Senator, which is presently expected to happen this afternoon, Monday, January 5, 2004.

Very truly yours,

REPRESENTATIVE CHERYL PFLUG
Fifth Legislative District

MESSAGE FROM SNOHOMISH COUNTY COUNCIL

MAKING AN APPOINTMENT TO FILL THE VACANCY IN THE
38TH LEGISLATIVE DISTRICT OF THE
WASHINGTON STATE HOUSE OF REPRESENTATIVES

WHEREAS, a vacancy was created for the position of state representative from the 38th Legislative District, due to the resignation of Jean Berkey, and
WHEREAS, the Snohomish County Central committee has submitted the names of nominees for the vacancy,
NOW, THEREFORE, ON MOTION, the Snohomish County Council hereby appoints David Simpson to the position of state representative from the 38th Legislative District.
PASSED this 7th day of January, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

John Koster, Chairperson

OATH OF OFFICE

The Speaker requested Representatives McCoy and Lovick escort David Simpson to the Rostrum. Supreme Court Justice Mary Fairhurst gave the oath of office to Mr. Simpson. The Sergeant at Arms escorted Justice Fairhurst from the Chamber. Representatives McCoy and Lovick escorted Representative D. Simpson to his seat on the Chamber floor.

RESOLUTION

HOUSE RESOLUTION NO. 2004-4671, By Representatives Kessler and Chandler

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

Representative Kessler moved the adoption of the resolution.

HOUSE RESOLUTION NO. 4671 was adopted.

The Speaker appointed Representatives Benson, Cody, Ormsby and Priest to notify the Senate that the House of Representatives was organized and ready to do business.

INTRODUCTION & FIRST READING

HB 2298 by Representatives Linville, Schoesler, Kenney, McDonald, Hunt, Simpson, G., Haigh, Shabro, Morrell, Clibborn, Hudgins and Benson; by request of Department of Agriculture

AN ACT Relating to diseased and quarantined animals; and amending RCW 16.36.010, 16.36.060, 16.36.090, and 16.36.098.

Referred to Committee on Agriculture & Natural Resources.

HB 2299 by Representatives Linville, Schoesler, Kenney, McDonald, Hunt, Simpson, G., Haigh, Shabro, Morrell, Clibborn, Newhouse, Clements, Hudgins and Benson; by request of Department of Agriculture

AN ACT Relating to animal identification systems; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2300 by Representatives Linville, Schoesler and McMorris; by request of Department of Agriculture

AN ACT Relating to applying pesticides; amending RCW 17.21.020, 17.21.126, 17.21.128, 17.21.132, 17.21.140, and 15.58.030; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 2301 by Representatives Linville and Schoesler; by request of Department of Agriculture

AN ACT Relating to severability clauses in commodity commission statutes; adding a new section to chapter 15.28 RCW; adding a new section to chapter 15.44 RCW; adding a new section to chapter 15.66 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2302 by Representatives O'Brien, Upthegrove, McCoy, Darneille, Lovick, Schual-Berke, Chase, McDermott, Kagi and Hudgins

AN ACT Relating to vehicular traffic on beaches; amending RCW 79A.05.650 and 79A.05.655; repealing RCW 79A.05.693; and providing an effective date.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2303 by Representatives O'Brien, Mielke, Upthegrove, Pearson, McCoy, Lovick and Clements

AN ACT Relating to regulating the immobilization of vehicles; amending RCW 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 2304 by Representatives McMahan, Lantz, Carrell, McDonald, Orcutt, Bush, Newhouse, Clements, Nixon, Ahern, Talcott, Mielke, Flannigan, Boldt, Hinkle, McMorris, Pearson, Moeller, Lovick, Shabro, Benson and Kristiansen

AN ACT Relating to voyeurism; amending RCW 9A.44.115; adding a new section to chapter 9A.44 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2305 by Representatives McMahan, Crouse, Boldt, Hinkle, McMorris, Kristiansen, Shabro and McDonald

AN ACT Relating to cosmetology, barbering, manicuring, and esthetics; amending RCW 18.16.110, 18.16.260, and 18.16.160; reenacting and amending RCW 18.16.060 and 18.16.200; reenacting RCW 18.16.030; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2306 by Representatives McMahan and Boldt

AN ACT Relating to the composition of the Washington citizens' commission on salaries for elected officials; and amending RCW 43.03.305.

Referred to Committee on State Government.

HB 2307 by Representatives Schoesler, Linville, Sump, Cox, Delvin, Armstrong and Hinkle

AN ACT Relating to eligibility to serve as a commissioner of a water conservancy board; amending RCW 90.80.050; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2308 by Representatives Schoesler and Cox

AN ACT Relating to requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills; amending RCW 70.95.030; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2309 by Representatives Carrell, Mielke, Kirby, Boldt, McDonald, Nixon, Pearson, Cox, Shabro, Priest, Bush, Conway and Benson

AN ACT Relating to transporting residents of secure community transition facilities; and adding a new section to chapter 71.09 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2310 by Representatives Carrell, Lantz, Mielke, Boldt, Nixon, Pearson, Campbell, Kirby, Cox, Schindler, Shabro, Priest, McMahan, Bush, Schoesler, Conway, Rockefeller and Hinkle

AN ACT Relating to temporary emergency concealed pistol licenses; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 2311 by Representatives Carrell, Mielke, Boldt, Nixon, McDonald, Pearson, McMahan, Anderson, Clements, Ahern, Hinkle and Benson

AN ACT Relating to ensuring victims' rights to express their views regarding a plea agreement before a court; adding a new section to chapter 9.94A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2312 by Representatives Carrell, Mielke, Boldt, Nixon, McMahan, Clements and Ahern

AN ACT Relating to victims' rights in plea agreement procedures; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2313 by Representatives Carrell, Boldt and Mielke

AN ACT Relating to bail bond recovery agents; amending RCW 18.185.010, 18.185.110, and 18.185.170; adding new sections to chapter 18.185 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2314 by Representatives Carrell, Boldt, Mielke, Pearson, Priest, McMahan and Hinkle

AN ACT Relating to visitation rights for nonparents; amending RCW 26.09.240, 26.10.160, 26.09.160, and 26.09.260; adding new sections to chapter 26.10 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

HB 2315 by Representatives Carrell, McMahan, Clements and Campbell

AN ACT Relating to prohibiting plea bargains in multiple capital murder cases; amending RCW 10.95.020; adding new sections to chapter 10.95 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2316 by Representatives Carrell, Kirby, Boldt, Cox, McDonald, Shabro, Schindler, Priest, O'Brien, McMahan, Campbell, Simpson, G. and Nixon

AN ACT Relating to protection of personal information about judicial officers, law enforcement officers, corrections officers, and their families; reenacting and amending RCW 42.17.310 and 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 2317 by Representatives Orcutt, Schoesler, Sullivan, Simpson, G., Nixon, Shabro, Ahern and Newhouse

AN ACT Relating to increasing the amount of the small business business and occupation tax credit; amending RCW 82.04.4451; and providing an effective date.

Referred to Committee on Finance.

HB 2318 by Representatives Orcutt, Hatfield, Mielke, Rockefeller and Newhouse

AN ACT Relating to the verification of small forest landowner status for a forest riparian easement program application; amending RCW 76.13.120; adding a new section to chapter 76.13 RCW; and adding a new section to chapter 84.33 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2319 by Representatives Wallace, Armstrong, Murray, Campbell, Wood, Jarrett, Morrell, Lovick, Cooper, Sullivan, Kenney, Condotta, Chase and Edwards

AN ACT Relating to traffic control signal preemption devices; amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 2320 by Representatives Linville, Schoesler, Sump, Grant and Rockefeller; by request of Commissioner of Public Lands

AN ACT Relating to the department of natural resources' authority for compensatory mitigation management on state-owned aquatic lands; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 79 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2321 by Representatives Linville, Schoesler, Sump, Grant and Pearson; by request of
Commissioner of Public Lands

AN ACT Relating to the clarification of certain definitions in Title 79 RCW and related public land statutes; amending RCW 43.30.700, 79.02.010, 79.02.040, 79.02.050, 79.02.160, 79.02.280, 79.02.290, 79.02.300, 79.02.340, 79.10.020, 79.10.060, 79.10.100, 79.11.100, 79.13.380, 79.15.030, 79.15.055, 79.19.030, 79.22.300, 79.36.330, 79.36.355, 79.36.380, 79.36.390, 79.38.010, 79.38.020, 79.38.030, 79.38.050, 79.38.060, 79.64.020, and 79.70.040; reenacting and amending RCW 79.64.040; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2322 by Representatives McDonald, Delvin, Kristiansen, Pearson, Lovick and Shabro

AN ACT Relating to requiring prehire screening for law enforcement applicants; and amending RCW 43.101.080 and 43.43.020.

Referred to Committee on Criminal Justice & Corrections.

HB 2323 by Representatives Shabro, McDonald, Roach, Bush, Sullivan, Simpson, G., Moeller and Darneille

AN ACT Relating to sales and use tax exemptions for low-income persons; adding a new section to chapter 82.08 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2324 by Representatives Shabro, McDonald, Roach, Bush and Moeller

AN ACT Relating to driving or physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 9.94A.030, 9.94A.734, 9.94A.640, 9.94A.650, 46.20.720, 46.61.502, 46.61.504, 46.61.5055, and 46.61.5151; reenacting and amending RCW 9.94A.515 and 9.94A.525; and providing an effective date.

Referred to Committee on Judiciary.

HB 2325 by Representatives Wood, Condotta, O'Brien, Hankins and Moeller

AN ACT Relating to prohibited practices of collection agencies; reenacting and amending RCW 19.16.250; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2326 by Representatives Campbell, Cody, O'Brien, Kenney, Moeller and Edwards

AN ACT Relating to the uniform disciplinary act for health professions; amending RCW 18.130.050, 18.130.060, 18.130.080, 18.130.090, 18.130.160, 18.130.170, and 18.130.172; adding a new section to chapter 18.130 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

HB 2327 by Representatives Cody, Kenney, Wood, Santos, Simpson, G., Schual-Berke, Moeller, Morrell and Darneille

AN ACT Relating to individual health insurance; amending RCW 41.04.208; repealing RCW 41.04.212; repealing 2002 c 319 ss 1 and 5 (uncodified); repealing 2002 c 319 s 4; and declaring an emergency.

Referred to Committee on Health Care.

HB 2328 by Representatives Dickerson, O'Brien, Delvin, Chase and Nixon

AN ACT Relating to registration of sex offenders and kidnapping offenders who are students; reenacting and amending RCW 9A.44.130; and providing an effective date.

Referred to Committee on Juvenile Justice & Family Law.

HB 2329 by Representatives Dickerson, Kenney, Upthegrove, Delvin, Moeller, Edwards and Darneille

AN ACT Relating to mental health treatment for minors; and amending RCW 71.34.042, 71.34.052, 71.34.054, 71.34.025, 71.34.162, and 71.34.270.

Referred to Committee on Juvenile Justice & Family Law.

HB 2330 by Representatives Roach and Shabro

AN ACT Relating to recovery of court costs; and amending RCW 4.84.030.

Referred to Committee on Judiciary.

HB 2331 by Representatives Roach and Shabro

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

Referred to Committee on Judiciary.

HB 2332 by Representatives Sullivan, Upthegrove, Fromhold and Hudgins

AN ACT Relating to the investing in innovation account; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 70.210 RCW.

Referred to Committee on Appropriations.

HB 2333 by Representatives Hudgins, Schual-Berke, O'Brien, Upthegrove, Wood, Ruderman, Chase, Murray, Sullivan, Hunt, Simpson, G., Haigh and Morrell

AN ACT Relating to energy efficiency and renewable energy; reenacting and amending RCW 19.29A.090; adding a new section to chapter 42.17 RCW; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2334 by Representatives Schual-Berke, Kenney, Wood, Simpson, G., Nixon and Kagi

AN ACT Relating to the keep kids safe license plate; amending RCW 46.16.313, 46.16.290, and 46.16.316; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2335 by Representatives Schual-Berke and Upthegrove

AN ACT Relating to designating the lead agency for public proposals under the state environmental policy act; amending RCW 43.21C.030 and 43.21C.110; and adding new sections to chapter 43.21C RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2336 by Representatives Schual-Berke, Wood, Ruderman, Chase, Sullivan, McIntire, Hunt, Hankins, Cody, Kagi and Sommers

AN ACT Relating to stem cell research; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Health Care.

HB 2337 by Representatives Morris and Mielke

AN ACT Relating to developer-selected options for complying with impact fee requirements; and amending RCW 82.02.050, 82.02.060, and 82.02.090.

Referred to Committee on Local Government.

HB 2338 by Representatives Morris, Sullivan, Mielke and Hudgins

AN ACT Relating to the determination of mitigation recommendations for licensing of nonfederal hydropower projects under the energy facility site evaluation council; and amending RCW 80.50.010, 80.50.020, 80.50.030, 80.50.040, 80.50.060, 80.50.071, 80.50.080, 80.50.085, 80.50.090, 80.50.100, and 80.50.110.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2339 by Representatives Morris, Ericksen, Linville, Quall, Condotta, Wood, Conway, Sullivan, Mielke, Armstrong, Boldt, Orcutt, Newhouse, Hinkle and Hudgins

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.240, 82.04.270, 82.04.270, 82.04.280, 82.04.440, 82.04.440, and 82.12.022; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing contingent effective dates; providing an expiration date; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2340 by Representatives Morris, Sullivan and Mielke

AN ACT Relating to siting electrical transmission under the energy facility site evaluation council; and amending RCW 80.50.020 and 80.50.060.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2341 by Representatives Morris, Sullivan and Hudgins

AN ACT Relating to the model distributed generation interconnection procedures and net metering provisions; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2342 by Representatives Veloria, Carrell, O'Brien, Chase, Sullivan and Edwards

AN ACT Relating to supervision of sex offenders; and amending RCW 9.94A.700 and 72.09.340.

Referred to Committee on Criminal Justice & Corrections.

HB 2343 by Representatives Dunshee, Fromhold, Lantz, Ruderman, Linville, Rockefeller, Edwards and Kagi

AN ACT Relating to binding interest arbitration for certificated school employees; amending RCW 41.59.020; adding new sections to chapter 41.59 RCW; repealing RCW 41.59.120; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2344 by Representatives Alexander, Sommers, Romero, Hunt and Moeller; by request of Department of General Administration

AN ACT Relating to the motor pool within the department of general administration; amending RCW 43.19.565 and 43.19.615; and repealing RCW 43.19.605.

Referred to Committee on State Government.

HB 2345 by Representatives Sommers, Alexander, Romero, Hunt, Kenney, Sullivan and Moeller; by request of Department of General Administration

AN ACT Relating to establishing a commemorative works account for the department of general administration; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Appropriations.

HB 2346 by Representatives Veloria, O'Brien, Kenney, Upthegrove, Santos, Murray, Sullivan, Simpson, G., Morrell and Hudgins

AN ACT Relating to investing in Washington businesses; adding new sections to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 2347 by Representatives McDonald, Morrell, Edwards and Hinkle

AN ACT Relating to the inclusion of cultural facilities under the authority of certain public facilities districts; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Trade & Economic Development.

HB 2348 by Representatives Eickmeyer, Buck, Haigh, Armstrong and Rockefeller

AN ACT Relating to geoduck harvest in Hood Canal; and adding a new section to chapter 77.65 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2349 by Representatives Ericksen and Hinkle

AN ACT Relating to small scale natural resource extraction; amending RCW 77.55.270, 79.14.315, and 77.08.010; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2350 by Representatives Ericksen, Moeller and Benson

AN ACT Relating to the imposition of fees related to the use of automated teller machines; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2351 by Representatives Hudgins, Romero, Hinkle, Conway, Sullivan, Hunt and Morrell

AN ACT Relating to consumer knowledge of foreign contact center operations; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2352 by Representatives Hudgins, Romero, O'Brien, Conway, Simpson, G., Moeller and Morrell

AN ACT Relating to workers required to train successors; adding a new section to chapter 49.12 RCW; adding a new section to chapter 50.04 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2353 by Representatives Hinkle, Hudgins, O'Brien and Armstrong

AN ACT Relating to the extension or expansion of urban governmental services when necessary to protect basic public health, safety, and the environment; amending RCW 36.70A.110; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

HB 2354 by Representatives Kristiansen, McMahan, Newhouse, Roach, McDonald, Sullivan, Ahern, Simpson, G., Pearson, Morrell, Bailey and Benson

AN ACT Relating to rates for a medicare supplement insurance policy; and amending RCW 48.66.045.

Referred to Committee on Health Care.

HB 2355 by Representatives Hinkle and Dickerson

AN ACT Relating to complementary and alternative health care practitioners; amending RCW 18.130.190; adding a new section to chapter 18.130 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 2356 by Representatives Hinkle, Buck, Condotta, O'Brien, Pearson and Shabro

AN ACT Relating to the operation of off-road vehicles on roadways; amending RCW 46.09.120; reenacting and amending RCW 46.16.010; adding a new section to chapter 46.09 RCW; creating a new section; and providing an effective date.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2357 by Representatives Hinkle, Pettigrew, Rockefeller and Skinner

AN ACT Relating to use of state hospital beds by regional support networks; amending RCW 71.24.300; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2358 by Representatives Kagi, O'Brien, Upthegrove, Sullivan, Dickerson, Sommers and Darneille

AN ACT Relating to eliminating duplicative sentencing enhancements for drug offenses with a deadly weapon special verdict; amending RCW 9.94A.518 and 9.94A.518; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2359 by Representatives Kagi, O'Brien, Dickerson, Nixon, Sommers and Darneille

AN ACT Relating to altering the amount of earned release time available for certain jail inmates; and amending RCW 9.92.151.

Referred to Committee on Criminal Justice & Corrections.

HB 2360 by Representatives Kagi, Kenney, Wood, Santos, Hunt, Dickerson, Schual-Berke, Haigh, McDermott, Morrell, Darneille, Flannigan and Hudgins

AN ACT Relating to child care workers; adding new sections to chapter 74.13 RCW; and making an appropriation.

Referred to Committee on Children & Family Services.

HB 2361 by Representatives Kagi, O'Brien, Kenney, Wood, Dickerson, Schual-Berke, Boldt, Morrell and Darneille

AN ACT Relating to visitation for children in foster care; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Children & Family Services.

HB 2362 by Representatives Kagi, O'Brien, Dickerson, Schual-Berke, Boldt and Morrell

AN ACT Relating to family team decision meetings; adding new sections to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2363 by Representatives Kagi, Dickerson, Sommers and Edwards

AN ACT Relating to eliminating the supervision of certain probationers by the department of corrections; and amending RCW 9.94A.501, 9.92.060, 9.95.204, and 9.95.210.

Referred to Committee on Criminal Justice & Corrections.

HB 2364 by Representatives Kagi, O'Brien, Clibborn, Santos, Dickerson, Schual-Berke, Morrell, Edwards and Hudgins

AN ACT Relating to homeowner's insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2365 by Representatives Kagi, O'Brien, Upthegrove, Wood, Dickerson, Nixon, Sommers and Darneille

AN ACT Relating to allowing an offender to make a motion to the court for admission to drug court; and amending RCW 2.28.170.

Referred to Committee on Criminal Justice & Corrections.

HB 2366 by Representatives Linville, Schoesler, Campbell, McDonald, Delvin, Conway, Sullivan, Hankins, Moeller, McDermott, Kenney, Morrell and Hudgins; by request of Department of Agriculture

AN ACT Relating to the from the heart of Washington program; adding a new chapter to Title 15 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2367 by Representatives Linville, Schoesler, Campbell, McDonald, Delvin, Sullivan, Hunt, Moeller, McDermott, Kenney and Morrell; by request of Department of Agriculture

AN ACT Relating to the Washington apple commission; amending RCW 15.24.020, 15.24.030, 15.24.040, 15.24.050, 15.24.070, 15.24.090, 15.24.100, 15.24.110, 15.24.160, and 15.24.190; adding new sections to chapter 15.24 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2368 by Representatives Hinkle, Buck, Hatfield, O'Brien and Shabro

AN ACT Relating to state endangered species listings; and amending RCW 77.12.020.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2369 by Representatives Hinkle, Buck, Upthegrove, Delvin, Sullivan, Schoesler, Pearson, Shabro, Benson and McDonald

AN ACT Relating to ensuring that landlocked property owners may obtain a private way of necessity across state lands; amending RCW 8.24.010; and adding a new section to chapter 8.24 RCW.

Referred to Committee on Agriculture & Natural Resources.

HJM 4030 by Representatives Schual-Berke, Wood, Ruderman, Chase, Sullivan, Murray, McIntire, Hunt, Hankins, Cody, Moeller, Kagi and Sommers

Encouraging stem cell research.

Referred to Committee on Health Care.

HJM 4031 by Representatives Conway, McIntire, Kenney, Wood, Santos, Chase, Murray, Sullivan, Simpson, G., McDermott, Morrell, Kagi, Darneille and Hudgins

Urging extension of temporary extended unemployment compensation.

Referred to Committee on Commerce & Labor.

HCR 4412 by Representatives Kessler and Chandler

Notifying the governor that the Legislature is organized.

HCR 4413 by Representatives Kessler and Chandler

Specifying the status of bills introduced in previous sessions of the biennium.

HCR 4414 by Representatives Kessler and Chandler

Calling a joint session to hear the state of the state address.

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

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

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

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

SECOND READING

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

Notifying the governor that the Legislature is organized.

The concurrent resolution was read the second time.

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

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

HOUSE CONCURRENT RESOLUTION NO. 4412 was adopted.

SPEAKER'S REMARKS

Speaker Chopp: "Welcome back to the People's House. Please join me in recognizing a number of people new to this Chamber and new to their positions. Let us start by giving a very warm and great welcome to the new Republican leaders - Richard DeBolt and Bruce Chandler. Let's also give a friendly welcome to the newest members of the House - Timm Ormsby and David Simpson. And join me in a warm welcome to another member who is newly elected by the people of his district, Brian Blake.

I would also like to recognize my family – my wife, Nancy, my daughter, Ellie and my mother, Anne Brozovich.

This is the first day of a sixty-day session. On the last day of this session, we all want to go home and say we worked hard on the bread and butter issues that the people want us to address. At their kitchen tables, people talk about what concerns them – getting a job or keeping it or moving on to the next one. Making sure their kids or grandkids are getting a good education. And dealing with the rising cost of health care. We have to make our agenda the people's agenda, and the people's agenda our agenda. We here must work to build a better economy for all of our people. And to do that our most fundamental, our most important responsibility is to provide a better education for our people. In just four years, in 2008, students will need to meet academic standards and pass a test to graduate from high school. Those standards were mandated by this body ten years ago. Meeting those standards is not just the job of students – we here have to make sure that those in the classrooms have what it takes to make all children successful. If we don't, the standards will set thousands of kids apart from good jobs and higher education. The people of this State have told us they don't want that to happen. They want small classes, better pay for teachers and better funding for schools. Who among us wants to look back four years from now and say our kids failed to achieve those standards that we set and that we failed as legislators to help them become a success. None of us do. So fair is fair – if we are going to hold our kids to higher standards, then we should hold ourselves to higher standards. As we work to unlock the potential of our people, let us remember the promises we have made to our people.

So at the end of this sixty-day session, let us be able to say a few things:

We refined our high academic standards and helped more students achieve them.

We worked to turn struggling schools into success stories by reforming the learning assistance program.

We provided local school boards with more capacity in their local funding and programs.

We helped communities support their levies in schools by passing the legislation for simple majority votes on school levies.

We rededicated ourselves to expanding college opportunities for young people all across this State whether they be Huskies or Cougars or Warriors or Tritons or Penguins or Geoducks.

We worked with the citizens of our State to create an education trust fund.

Let us find a way to invest in education, to carry out what our people want and what our growing population needs. Education is the future of our economy. Knowledge and wisdom are our aim. Information and innovation are the keys, and ideas and ideals will be our guide.

One of the goals of education is to open minds. One of the requirements of the WASL test is to solve problems and to show your work. Let us have an open mind and show how we can solve different aspects of a particular problem. For example, how can a child be ready to learn and able to succeed if his health is neglected. To help every student achieve high standards by 2008, let us set the goal of insuring that every child in our State can have affordable health care by that same year – 2008.

Let's be clear, folks, we cannot make real the shared goal of leaving no child behind if we leave tens of thousands of Washington children without decent health care. We can make a significant start this year – by lowering the premiums of children's health care insurance. Something we have to attend to. When we do this, it will not only make health care more affordable for young families, it will help make academic success more achievable for young students.

Health care for kids is very important but there will be many more important issues to tackle this session – for all of them, I implore you – I ask you – let us not only have an open mind but a constructive approach that finds win-win ways to move our State forward.

Sixty days may seem like a short time to accomplish these goals but think about where we were just one year ago today. We were staring at the worst State budget crisis in about 20 years. Transportation problems were strangling job creation. Medications that alleviated pain, cured infections and quelled depression were out of reach of many. And the skeptics were saying "Boeing is going, Boeing is going". Well, today, one year later we can truthfully say we made the most progress for transportation in decades, we made the largest investment for construction of schools, colleges and housing in State history. We made prescription drugs more affordable for seniors and other citizens. We made great progress in helping create jobs throughout the economy and across the State. And today we can say truthfully the "Dreamliner" is landing in Everett. I believe "Rosie the Riveter" would be very proud today.

So, let's keep this extraordinary sense of what is possible in mind as we work to carry out the noble dreams of our people for a better future – of education, of jobs and health care for all. That's a lot to do. We've got sixty days, the clock is ticking, let's get to work.

Thank you very much."

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I welcome everyone back to Olympia. It seems like just last month, we were in Session.

I wanted to remind us that a healthy economy makes our education system strong. We have to do what we can in Washington State that makes sure everyone has the opportunity to get back to work. Washington State has suffered in many areas where it has never suffered before. One of the things that separated the 1970's and the downturns of Boeing from today was the environment in which those businesses thrived. The environment for small businesses to succeed today in Washington State needs help. We have to find some way we can work as a team to pass regulatory reform.

We look forward to working hard with you on the education system. We know that you are enthusiastic about reforming the health care system because the premiums are just too high. We want to be here to solve problems and work with those who want to work with us. We will give you our knowledge; we will give you our time, and we will do whatever is necessary to bring Washington State out of this crisis. We know that we won't always be ideologically linked but we do think that we share something – a drive for Washington State to be successful; to stop the doldrums we have been in; to reverse the negative tide that has been coming on our State for the last fifteen years; to move forward in the right direction; to say that each and every child is important but so are their parents. That their children can be raised in a family with people working, not unemployed and not third generation unemployed in rural communities. We want to be successful. We also know we have to replace revenue. So to do that, we need to put everybody back to work and get those taxes flowing again. That's the way we need to fix the revenue situation in Washington State.

As we came out of the budget last year, it was a tough budget, it was hard but we don't want to create another 1.6 million dollar bow wave that we have to work through. We don't want to create another deficit. We want to learn from what we did last year as a body and make sure that our spending reflects the amount of revenue we have. And so as we move forward, we want to make sure that Washington State is prosperous, that our budget is balanced and that we have the opportunity to put problem solving on the table and not partisan politics.

Thank you."

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4414, By Representatives Kessler and Chandler

Calling a joint session to hear the state of the state address.

The concurrent resolution was read the second time.

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

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

HOUSE CONCURRENT RESOLUTION NO. 4414 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4413, By Representatives Kessler and Chandler

Specifying the status of bills introduced in previous sessions of the biennium.

The concurrent resolution was read the second time.

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

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

HOUSE CONCURRENT RESOLUTION NO. 4413 was adopted.

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

The Sergeant at Arms escorted the House delegation that had returned from the Senate to the Rostrum. Representatives Cody, Benson, Priest and Ormsby addressed the chamber.

MESSAGE FROM THE SENATE

January 12, 2004

Mr. Speaker:

The Senate has adopted:
SENATE CONCURRENT RESOLUTION NO. 8417,
and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

INTRODUCTION & FIRST READING

SCR 8417 By Senators Finkbeiner and Brown

Establishing cutoff dates.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8417 was read the first time, the rules were suspended and the concurrent resolution was placed on the second reading calendar.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8417, By Senators Finkbeiner and Brown

Establishing cutoff dates.

The concurrent resolution was read the second time.

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

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8417.

SENATE CONCURRENT RESOLUTION NO. 8417 was adopted.

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

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

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

CHANGES IN COMMITTEE ASSIGNMENTS

The Clerk read the following changes to committee assignments:

Representative Chandler was reassigned from the Committee on Commerce and Labor to the Committee on Appropriations, and was assigned to the Committee on Rules.

Representative DeBolt was removed from the Committee on Technology, Telecommunications and Energy, and the Committee on Appropriations.

Representative Eickmeyer was reassigned from the Committee on Juvenile Justice and Family Law to the Committee on Capital Budget.

Representative Hunter was reassigned from the Committee on Financial Institutions and Insurance to the Committee on Finance, and was appointed Vice-Chair of Finance.

Representative Lantz was removed from the Committee on Higher Education.

Representative Lovick was reassigned from the Committee on Criminal Justice and Corrections to the Committee on Juvenile Justice and Family Law.

Representative McIntire was appointed Chair of the Committee on Finance and was removed from the Committee on Capital Budget.

Representative McMorris was assigned to the Committee on Commerce and Labor and the Committee on Technology, Telecommunications and Energy, and was removed from the Committee on Rules.

Representative Ormsby was appointed to the Committee on Higher Education and the Committee on Trade and Economic Development.

Representative Veloria was appointed to the Committee on Criminal Justice and Corrections.

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

MESSAGE FROM THE SENATE

January 12, 2004

Mr. Speaker:

The Senate has adopted:

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

as the same are herewith transmitted.

Milt H. Doumit, Secretary

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 13, 2004, the 2nd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FIRST DAY, JANUARY 12, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, January 13, 2004

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

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

MESSAGE FROM THE SENATE

January 12, 2004

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8417, and the same is herewith transmitted.

Milt H. Doumit, Secretary

INTRODUCTION & FIRST READING

HB 2370 by Representative Veloria

AN ACT Relating to condominiums created on or before July 1, 1990; amending RCW 64.32.200; and adding a new section to chapter 64.32 RCW.

Referred to Committee on Judiciary.

HB 2371 by Representatives Cooper, Upthegrove, Hunt, Simpson, G., Chase, Hudgins, Wood, McIntire, Moeller and Kagi

AN ACT Relating to the implementation of a wildlife management program that allows the limited use of body-gripping traps in specific situations; amending RCW 77.15.192, 77.15.194, and 77.15.194; adding new sections to chapter 77.15 RCW; adding a new section to chapter 77.12 RCW; creating new sections; providing AN effective date; providing expiration dates; and declaring AN emergency.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2372 by Representatives McCoy, Veloria, Conway, Morrell, Simpson, G., Chase, Upthegrove, Kenney, Hudgins, Wood and Moeller

AN ACT Relating to subcontracts on public construction projects; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2373 by Representatives Nixon and Ruderman

AN ACT Relating to prohibiting local governments from limiting citizens' ability to protect their homes from fires by trimming or removing potentially dangerous trees or vegetation near their homes; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 2374 by Representative Nixon

AN ACT Relating to the duty of sheriffs to develop best practice standards for law enforcement agencies; and amending RCW 36.28.010.

Referred to Committee on Criminal Justice & Corrections.

HB 2375 by Representative Nixon

AN ACT Relating to the duty of sheriffs to investigate allegations against public officials; and amending RCW 36.28.010.

Referred to Committee on Criminal Justice & Corrections.

HB 2376 by Representatives Nixon and Kirby

AN ACT Relating to intermediate drivers' licenses; amending RCW 46.20.075; and creating a new section.

Referred to Committee on Transportation.

HB 2377 by Representatives Lovick and Dickerson

AN ACT Relating to reorganization of provisions concerning mental health services for minors; adding new sections to chapter 71.34 RCW; and recodifying RCW 71.34.010, 71.34.020, 71.34.140, 71.34.032, 71.34.250, 71.34.280, 71.34.260, 71.34.240, 71.34.230, 71.34.210, 71.34.200, 71.34.225, 71.34.220, 71.34.160, 71.34.190, 71.34.170, 71.34.290, 71.34.056, 71.34.800, 71.34.805, 71.34.810, 71.34.015, 71.34.027, 71.34.130, 71.34.270, 71.34.042, 71.34.044, 71.34.046, 71.34.030, 71.34.052, 71.34.025, 71.34.162, 71.34.164, 71.34.035, 71.34.054, 71.34.040, 71.34.050, 71.34.060, 71.34.070, 71.34.080, 71.34.090, 71.34.100, 71.34.120, 71.34.110, 71.34.150, 71.34.180, 71.34.900, and 71.34.901.

Referred to Committee on Juvenile Justice & Family Law.

HB 2378 by Representatives Armstrong, Anderson, Schoesler, Nixon and Woods

AN ACT Relating to restoring public trust in the regulatory process; amending RCW 34.05.570, 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.215, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, and 80.01.040; adding new sections to chapter 34.05 RCW; adding a new section to chapter 43.17 RCW; creating a new section; and declaring AN emergency.

Referred to Committee on State Government.

HB 2379 by Representatives Armstrong, Nixon and Hunter

AN ACT Relating to providing peace officers essential training in firearm retention and survival techniques and enacting the Saul Gallegos Peace Officer Survival Act of 2004; adding a new section to chapter 10.93 RCW; creating a new section; and making AN appropriation.

Referred to Committee on Criminal Justice & Corrections.

HB 2380 by Representatives Grant, Armstrong, Upthegrove, Schoesler, Linville, Nixon, Ruderman, Hunter, Woods and Orcutt

AN ACT Relating to the governor's signature on significant legislative rules; and amending RCW 34.05.360.

Referred to Committee on State Government.

HB 2381 by Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Morrell and Moeller

AN ACT Relating to degree-granting institutions of higher education; and amending RCW 28B.85.020 and 28B.85.040.

Referred to Committee on Higher Education.

HB 2382 by Representatives Kenney, Cox, Fromhold, Nixon, Anderson, Ruderman, Chase, Schual-Berke, Miloscia, Hudgins, Wood, Morrell, Santos, Moeller and Kagi

AN ACT Relating to improving articulation and transfer between institutions of higher education; adding new sections to chapter 28B.80 RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 2383 by Representatives Kenney, Cox, Fromhold, Chase, Hudgins, Wood, Morrell, Santos and Kagi

AN ACT Relating to payment of part-time faculty at institutions of higher education; and amending RCW 42.16.010.

Referred to Committee on Higher Education.

HB 2384 by Representatives Schindler, Romero, Cooper, Sump, Kristiansen, Linville, Pearson, Simpson, G., Cox, O'Brien, Chase, Roach, Miloscia, Mielke, Boldt and Ormsby

AN ACT Relating to city assumption of water-sewer districts; and adding a new section to chapter 35.13A RCW.

Referred to Committee on Local Government.

HB 2385 by Representatives Talcott and Pearson

AN ACT Relating to teacher strikes; amending RCW 28A.400.200 and 28A.410.010; adding a new chapter to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

HB 2386 by Representatives Anderson, Talcott and Nixon

AN ACT Relating to making contract negotiations between school districts and certificated employees subject to the open public meetings act; and amending RCW 42.30.140.

Referred to Committee on Commerce & Labor.

HB 2387 by Representatives Carrell, Talcott, Bush, Lantz, Cox, Pearson, McMahan, Kristiansen, Mielke, Boldt, Morrell, Orcutt and Ahern

AN ACT Relating to the release of patient records for the purpose of restoring state mental health hospital cemeteries; reenacting and amending RCW 71.05.390; and creating a new section.

Referred to Committee on Health Care.

HB 2388 by Representatives Carrell, McMahan, Ahern, Cox, Hinkle, Boldt, Mielke, Talcott, Pearson, Orcutt, Anderson, Campbell, Nixon and Clements

AN ACT Relating to ensuring persons who vote are United States citizens; amending RCW 29A.08.010, 29A.08.110, 29A.08.210, 29A.08.220, 29A.08.250, and 46.20.155; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.230; and providing AN effective date.

Referred to Committee on State Government.

HB 2389 by Representatives Carrell, Boldt, Ahern, Mielke, Pearson, Bush, Kristiansen, Talcott, McMahan, Cox, Orcutt and Campbell

AN ACT Relating to aggravated multiple murder cases; amending RCW 10.95.020; prescribing penalties; and providing AN effective date.

Referred to Committee on Judiciary.

HB 2390 by Representatives Carrell, McMahan, Cox, Bush, Mielke, Boldt and Pearson

AN ACT Relating to collateral attacks; amending RCW 4.72.010, 7.36.130, 10.73.090, 10.73.100, 10.73.140, and 10.73.150; and adding new sections to chapter 10.73 RCW.

Referred to Committee on Judiciary.

HB 2391 by Representatives Carrell, Bush and Talcott

AN ACT Relating to decreasing truancy and dropouts; amending RCW 28A.225.010, 28A.200.010, and 28A.200.020; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Education.

HB 2392 by Representatives Lantz, Darneille, Carrell, O'Brien, Romero, Lovick, Kenney, Flannigan, Upthegrove, Kagi, Hunt, Rockefeller, McCoy, Dickerson, Haigh, McMahan, Morrell, Bush, Clibborn, Delvin, Campbell, Simpson, G., Ruderman, Jarrett, Chase, Schual-Berke, Hudgins, Kessler, Woods, Moeller, Talcott and McDonald

AN ACT Relating to general authority Washington law enforcement agencies adopting policies addressing domestic violence committed or allegedly committed by general authority Washington peace officers; amending RCW 10.99.020; adding a new section to chapter 10.99 RCW; and creating new sections.

Referred to Committee on Juvenile Justice & Family Law.

HB 2393 by Representatives Hunt, McDermott, Rockefeller, Cooper, Simpson, G., Upthegrove, Dickerson, Lantz, Romero, Chase, Miloscia, Dunshee, Wood, McIntire, Moeller and Wallace

AN ACT Relating to watershed health; amending RCW 77.85.040, 43.06.220, 43.21B.110, and 90.82.080; adding a new section to chapter 43.27A RCW; adding new chapters to Title 90 RCW; and providing AN effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 2394 by Representatives Newhouse, Linville, Clements, Schoesler, McMorris, Orcutt, Holmquist, Delvin, Hinkle and Grant

AN ACT Relating to wildlife crop damage; amending 2001 c 274 s 5 (uncodified); and providing AN expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2395 by Representatives Kirby, Dickerson, Lantz, O'Brien and Kenney

AN ACT Relating to the statute of limitations for childhood sexual abuse civil cases; amending RCW 4.16.340; creating a new section; and declaring AN emergency.

Referred to Committee on Judiciary.

HB 2396 by Representatives Linville, Kirby, Rockefeller, Lantz, Clibborn, Hunt, Quall, Wallace, Haigh, Miloscia, Wood and Moeller; by request of Governor Locke

AN ACT Relating to instream flow; amending RCW 90.03.247, 90.82.080, 47.12.330, 90.42.080, 43.21B.110, and 39.34.190; adding a new section to chapter 77.85 RCW; adding new sections to chapter 90.54 RCW; adding a new section to chapter 77.15 RCW; adding a new section to chapter 47.12 RCW; adding a new section to chapter 43.27A RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

HB 2397 by Representatives Upthegrove, Dickerson, Lantz, Clibborn, Delvin, Chase, Schual-Berke, Miloscia, Hudgins, Kessler and Morrell

AN ACT Relating to penalties against convicted domestic violence offenders to pay for domestic violence programs; amending RCW 3.50.100, 3.62.090, and 10.82.070; reenacting and amending RCW 3.62.020; adding a new section to chapter 10.99 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Juvenile Justice & Family Law.

HB 2398 by Representatives Upthegrove, Delvin, Dickerson, Chase, Schual-Berke, Hudgins, Kessler and Morrell

AN ACT Relating to providing notice of a modification or termination of a protection order; and amending RCW 26.50.130.

Referred to Committee on Juvenile Justice & Family Law.

HB 2399 by Representatives Dickerson, Conway, Kagi, Kenney, Kirby, Hudgins, Sullivan, Moeller, Simpson, D., Hunt, Schual-Berke, Rockefeller, McCoy, McDermott, Romero, Chase, Wood, Morrell and Santos

AN ACT Relating to family leave insurance; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

HB 2400 by Representatives McMahan, Carrell, Mielke, Talcott, Crouse, Bush, Ahern, Newhouse, Simpson, G., Woods and Orcutt

AN ACT Relating to sentence enhancement for sex crimes against minors; amending RCW 9.94A.533 and 9.94A.533; providing AN effective date; providing AN expiration date; and declaring AN emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2401 by Representatives McMahan, Lantz, Mielke, Crouse, Bush, Newhouse, Carrell and Moeller

AN ACT Relating to the unlawful discarding of burning tobacco products; and amending RCW 70.93.060.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2402 by Representatives McMahan, Mielke, Talcott, Crouse, Bush, Newhouse and Lantz

AN ACT Relating to proceeds from the sale of unneeded real property related to the construction of toll facilities; amending RCW 47.12.063 and 47.12.283; and adding a new section to chapter 47.46 RCW.

Referred to Committee on Transportation.

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

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

COMMITTEE ASSIGNMENTS

The Speaker announced the following changes to committee membership:

Representative Anderson was reassigned from the Committee on Transportation to the Committee on Appropriations.

Representative Bailey was appointed the ranking minority member on the Committee on Health Care.

Representative Buck was removed from the Committee on Higher Education.

The House recessed until 3:30 p.m. at which time the House and Senate came together in Joint Session for the purpose of hearing the Governor's State of the State address at the Performing Arts Center, Olympia High School, Olympia.

JOINT SESSION

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

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

The President appointed a special committee to advise His Excellency Governor Gary Locke that the Joint Session had been assembled and to escort him to the hall: Representatives Dan Kristiansen and Beverly Wallace, and Senators Pat Hale and Harriet Spanel.

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

The President introduced the Statewide Elected Officials: Secretary of State Sam Reed, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire, Superintendent of Public Instruction Terry Bergeson and Insurance Commissioner Mike Kreidler.

The President introduced the officers and members of the Consular Association of Washington: Elisabeth Chapman, Consul of Austria; H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Ricardo Antezana, Consul of Bolivia; Daravuth Huoth, Consul of Cambodia; Marvin Wodinsky, Consul General of Canada; Jorge Gilbert, Consul of Chile; Frank Brozovich, Consul of Croatia; Solomon Tadesse, Consul General of Ethiopia; Jack A. Cowan, Consul of France; Helen Szablya, Consul of Hungary; Enid Dwyer, Consul of Jamaica; Yoshiyuki Kimura, Senior Consul of Japan; Kim Jae-gouk, Consul General of The Republic of Korea; Vytautas Lapatinskas, Consul of Lithuania; William Weiss, Consul of Malta; Jorge Madrazo, Consul of Mexico; Remco Hendrikse, Consul of The Netherlands; Vladimir Volnov, Consul General of The Russian Federation; Luis Esteban, Vice Consul of Spain; Jahn R. Hedberg, Consul of Sweden; John Gokcen, Consul General of Turkey; Gary Furlong, Consul General of Uzbekistan; and Jack Chiang, Director General, Taipei Economic and Cultural Office.

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

The flags were escorted to the Rostrum by the Washington State Patrol Color Guard. The prayer was offered by Bishop William 'Chris' Boerger, Northwest Washington Synod of the Evangelical Lutheran Church in America.

Bishop Boerger: "Let us pray. God, our Creator, we rejoice at the beauty You have made and given us in the State of Washington. We marvel at the power and serenity of all that You have made and have given to us to steward for ourselves and to those who come after us. Bless those gathered in this place with wise counsel as they lead us in caring for Your creation and in the building of community for all people. We give thanks for the many talents and gifts You have given those who have been elected to lead the State. Grant them an extra measure of compassion, wisdom, creativity and courage. Use them to guide us in creating a strong, healthy and dynamic society that supports and encourages its people to risk becoming what You have created us to be. Use our differences to challenge each other and bring to light new solutions to the needs which Your people bring to this government.

We thank You for those who have gone before us in service to this State. Grant that these leaders may build on that heritage. We know that the challenges You have placed before us and, we trust Your faithfulness to provide all that we need to care for Your creation and Your people.

Amen."

President Owen: "The purpose of the Joint Session is to receive the Governor's State of the State message. Governor Locke is beginning his 22nd year in public service, first serving as a member

of the House of Representatives, then as King County Executive and for the last seven years as Governor of the finest state in the nation in which to live, work and raise a family.

Governor Locke has served during very good economic times and very difficult economic times. I for one want to thank you governor for staying healthy during those very difficult times being available to make the tough choices our state was faced with.

I might say you rose to the occasion and found ways to maintain your commitment to education while establishing your priorities of a state budgeting approach that balanced the budget with existing state revenues.

I would also like to take advantage of this moment to thank Emily and Dylan for the exceptional job that they have done teaching the governor and our extraordinary first lady how to be great parents. Governor Locke and Mrs. Locke you are fine examples of caring and loving parents that truly embrace strong family values.

Ladies and gentlemen it is with great pride and respect that I present to you His Excellency, Governor Gary Locke."

GOVERNOR'S STATE OF THE STATE

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

It is fitting that we gather here at Olympia High School. Like all schools in every community across our state, this is a place of learning. It is also a source of hope. And a symbol of our profound responsibility to future generations.

We have worked hard to honor that responsibility. During the past seven years together, and through your leadership and the leadership of your predecessors, we've established considerable momentum.

Years of education reform are paying off. Our classes are smaller, our schools are safe, and our kids are learning better than ever.

And our homeland security measures place our state among the nation's leaders in protecting our citizens and our borders.

Our economic initiatives have created jobs and hope for unemployed workers who still need our help.

Last year we faced tremendous challenges. Together, we made tough decisions—and we made 2003 a session to remember.

We avoided a general tax increase during tough economic times.

After years of stalemate, we moved ahead on new funding for vital transportation projects.

We have improved our business climate. Seven national companies chose our state in the past two years, creating thousands new of jobs.

And by being resourceful, decisive, and bold, we landed the Boeing 7E7. "Built by Boeing" will continue to mean "Made in Washington by the best aerospace workers in the world."

Washington state is rebounding. Our tough decisions are paying off. Our state government is on solid footing. Let's continue this progress. This session, I am proposing to extend our gains in key areas:

Creating jobs through tax incentives for R&D and jobs in rural areas, and tools for all communities to accelerate economic growth.

Improving education by refining the new 2008 high school graduation requirements, by redesigning assistance programs for struggling students, and by allowing more students to attend our colleges and universities.

Keeping health care affordable and available by lowering insurance premiums for low- and middle-income families and small businesses, by helping doctors stay in rural communities, and by controlling medical malpractice insurance costs.

And ensuring abundant water for our state.

These, and supplemental budget proposals were publicly presented last month, have been delivered to the members of the Legislature, and have been available in detail on the state's Web site. So I won't go into the specifics here.

And in the days ahead there will be ample time to further discuss and debate these proposals and issues. There will be time for the dialogue, negotiations and compromise that make our legislative process work.

As we begin the session, let's instead consider the future that we have been shaping for the people of Washington.

The progress and momentum we have achieved in key areas is powerful and promising. Because of it, our state is on a changed course. A better course. A course toward a future filled with the prosperity, opportunity and security our citizens deserve. We must continue this momentum.

We will achieve that promising future if we remain disciplined, creative, and committed.

But an even better Washington is within our grasp. A Washington that is defined by certain fundamental rights. Fundamental rights that have been the basis of our efforts the last seven years and our proposals this year. I believe we must continue to work for a future that ensures these rights for successive generations.

If the decisions and actions we take are guided by these rights and continue to be powered by the momentum we have created, we will achieve an even more respectful, more decent, and more caring society in our state.

What are these fundamental rights?

The first is the right to a quality education and opportunities for lifelong learning. A quality education is a universal right. Our children deserve no less, and we can provide them nothing more important. I'm sure you're all familiar with my mantra. Education is the great equalizer. Education offers opportunity and hope to all it touches. It makes real the American Dream: that anything is possible if we set our minds to it.

When I was growing up, my parents taught me this important lesson, and instilled in me a passion for learning. School always came first. So I would like to take this opportunity to introduce my mother and father,

Julie and Jimmy Locke. Also with my parents are my sister Marian and her husband Peter Monwai.

Education is the great equalizer, and also a great economic engine. It prepares our workforce of the future, and roots our economic destiny in knowledge and resourcefulness. Every person in our state must have opportunities at any point in life to seek further education. For basic skills, for occupational advancement, or for personal development and fulfillment.

Quality education and lifelong learning demand a world-class education system.

We've made great strides in raising academic achievement the past several years. Our students now exceed the national average in many subjects, and lead the nation in numerous categories.

More importantly, we've made great progress as measured against even our own higher state standards.

We are proud of this improvement. But we must intensify our efforts.

Learning begins at birth. But thousands of our kids start kindergarten without the basic skills to succeed in school. That means they start out behind. And many will never catch up to their peers.

More early education programs—and improvements to those programs—give children the chance they need and deserve.

The person who has convinced me on the profound benefits of early learning and has spent all of her years as First Lady promoting early learning—not just in our state, but around the nation—my wife, Mona Locke.

We must help our children by giving them the early foundation they need. We must also help our teachers. In our K-12 system, too many of our teachers still struggle with large class sizes, antiquated facilities, impersonal learning environments, and inadequate learning materials.

Class sizes must be smaller . . . Teachers must be paid what they deserve . . . and professional development opportunities must be plentiful. More assistance is needed for at-risk students struggling with reading, writing, math and science.

Too many teachers and schools lack the resources to do their best. We must do our best to help them succeed. That's the only way every student will have a fair chance to meet today's higher academic standards.

Standing here in this high school, I wonder: How many of the students here have dreams of a college education? Will we help those dreams come true?

Our community colleges and universities are struggling to keep up with "the Baby Boom Echo." People already in the workforce are looking for opportunities to improve their skills and employability. More people than ever before are seeking a college education. But there aren't enough professors and classrooms at our universities to meet that demand.

Meanwhile, employers are looking for more graduates in high-demand fields like nursing, computer sciences and engineering. Our high-tech companies will be hiring thousands of people each year. But our colleges and universities can't even meet half the need. If our state can't provide the necessary training and education opportunities for these jobs, businesses will hire people from outside our state.

What do we tell those who are waiting for college opportunities? We can't just say "be patient and wait a few years until the state invests more in education." We can't expect them to wait until the economic recovery is

100% complete. We can't ask them to stand by helplessly while those good family-wage jobs go to people from out of state. How can anyone consider giving tax breaks to businesses to create more jobs without also giving our students a chance to land those jobs?

That's why we must make higher education more accessible. The dreams of hardworking students here at Olympia High School and others across our state are worth honoring. The doors of opportunity must be kept open.

And those who are qualified to attend our colleges and universities should not be barred by impossibly high costs. Promise Scholarships and other financial aid programs can make the difference between a dream fulfilled and an impossible dream.

Building a world-class education system requires funding. The investment required to take our education system to the world-class level is significant—but absolutely necessary.

The funding source must be dedicated, permanent and stable. That's why I've challenged the education community to develop the Washington Education Trust Fund. And that's why I will champion this effort.

It's time for our state to properly fund education. The right to a quality education is an integral part of our vision for our state.

A second fundamental right that is also central to our vision for Washington is the right to opportunities for family-wage jobs in a vibrant and expanding economy.

Everyone deserves the opportunity to make a decent living doing meaningful work. Family-wage work that puts food on the table, provides decent housing, and offers a sense of dignity.

Such a goal requires a comprehensive approach to economic development. We must use the tools that create jobs.

Tools like targeted tax incentives for job expansion. We know tax incentives work. The Boeing 7E7 decision safeguarded some 200,000 direct and indirect jobs all across our state. That's a lot of opportunity for the people of Washington.

Opportunities for good jobs must be available throughout the state. We must provide local governments with the tools to finance infrastructure to attract businesses and bring more good jobs to those communities.

America has always prospered through innovation, and we are an innovation state. We are home to some of the top technology companies in the world. Our universities enjoy stellar reputations as leading research institutions. They have pioneered such globally known and life-changing innovations as bone marrow transplants, ultrasound, and kidney dialysis.

Our colleges and universities are powerful engines of economic development. They have spawned industries of the future in advanced computing, biotechnology, advanced materials, and environmental technology. Industries that have created thousands of jobs already. And will provide thousands more in the future.

The investments we make in these technology areas through targeted tax incentives will fuel this growth. We must play to our strengths in these areas with initiatives like Bio 21. Bio 21 is a public-private, non-profit partnership that will further fund our state's outstanding research capacity in biotechnology and information technology. This initiative merges and builds on these two great strengths to cure diseases and promote medical breakthroughs. It establishes Washington as a global leader in computer and biological sciences. Bio 21 has enormous potential to create new industries and thousands of good-paying jobs for our state.

I believe every person in our state has the right to opportunities for family-wage jobs in a vibrant and expanding economy. As we support existing industries, encourage new development, and invest in the industries of the future, we are delivering on the promise of that right.

A third fundamental right that defines our vision for the state is the right to comprehensive health care that is affordable and available.

We all know there is a national crisis that requires a national solution. But for people in desperate need of health care now, this sad knowledge doesn't help. Nobody should have to suffer just because they are poor, powerless, unheard or unknown.

We in the state of Washington have never waited for federal action. Nor should we wait now. In spite of tough economic times, our state is still a national leader in providing medical care to vulnerable children and adults. We must continue to do all we can for our citizens, and make sure those most in need will always be helped.

Low-and middle-income families struggling to keep their health insurance deserve our efforts to reduce their premiums.

Citizens in rural areas deserve enough doctors and nurses to help the sick and injured. We must never allow clinics and hospitals to close because of rising costs, leaving medical professionals little choice but to move away, never to return. A seriously ill or injured person should not have to drive a hundred miles to reach medical care.

The quality of care should be the same whether you live in a rural or urban area. Technology can bridge distances, enabling doctors and patients in remote areas to consult with leading medical experts around the country.

Doctors struggling with high costs while serving mostly low-income patients deserve increased Medicaid reimbursements for critical services like childbirth. We must help family doctors continue to serve these patients, especially in rural areas.

And the people of Washington deserve our tireless efforts to pressure Congress and the Administration in the other Washington to step up to this national crisis and give all Americans the right to accessible, affordable health care.

The fourth component of our vision for Washington is the right to a clean, healthy environment.

Everyone should care about the condition of this planet that we leave to our children. Future generations deserve to enjoy the same natural beauty and precious natural resources that we enjoy. We need abundant, clean and cold water in our rivers and streams for people, fish and farms. Our wild salmon—a sacred symbol of Native people and an icon for our state—are indicators of environmental quality. As we restore wild salmon runs, we will be enhancing the pristine environment we so much cherish.

And when we protect ourselves from greenhouse gases, toxins like mercury, unsafe pipelines and oil spills, we are preserving a legacy of environmental health for our children's children.

When we seek and encourage renewable energy sources, we are preserving a legacy of sustainability, and passing along the right to live in and enjoy a clean and healthy environment.

Fifth and finally, I believe we have a fundamental right to live in a respectful, fair and safe society.

When we invest in education, jobs, health care and the environment, our choices reflect our values: respect . . . opportunity . . . equality . . . diversity . . . and community. As leaders, we should consider these values in all of our decisions.

Though we have differences, a respectful society values these differences. When we embrace our rich diversity, we reach for the highest, best potential of enlightened civilization.

And a respectful society means safe and secure communities. We all deserve to feel safe from danger and protected from harm in our neighborhoods.

We all deserve to enjoy daily life knowing that our civil and human rights are safeguarded. The quality of our society can be measured by how we treat one another.

Whether we choose cooperation over adversity, civility over cruelty, and inclusiveness over intolerance. We owe it to ourselves, and to future generations, to work toward a society that keeps us safe, dignifies the individual, and works tirelessly for the common good.

These five fundamental rights I have identified today light the path to and serve as the foundation for an even better Washington. All of our citizens deserve these rights. And all of our citizens expect us to create and provide a Washington that guarantees them.

Can we achieve that guarantee? Yes, we can. And we must.

I have dedicated my entire life in public service to it. During my last year as governor I will spend every moment working toward that guarantee.

And those who come after me should do no less.

I ask you to join me in this effort. Working together, I believe we can build on the momentum of today to secure these rights for our citizens tomorrow.

To serve the people of our state is a great and humbling responsibility. Let us honor it together.

Thank you very much, and God bless you all."

President Owen: "Once again, Governor Locke, thank you for being with us today, and for your stirring remarks. Will the committee of honor please come forward and escort Governor and Mrs. Locke from the dais?"

MOTION

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

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

There being no objection, the House adjourned until 10:00 a.m., January 14, 2004, the 3rd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

SECOND DAY, JANUARY 13, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRD DAY

House Chamber, Olympia, Wednesday, January 14, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Garrett Landram and Tali Johnson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. Charlotte Petty, Risen Faith Fellowship, Olympia.

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed: HOUSE CONCURRENT RESOLUTION NO. 4412,
HOUSE CONCURRENT RESOLUTION NO. 4413,
HOUSE CONCURRENT RESOLUTION NO. 4414,
SENATE CONCURRENT RESOLUTION NO. 8417,

The Speaker called upon Representative Lovick to preside.

INTRODUCTION & FIRST READING

HB 2403 by Representatives Quall, Orcutt, Hinkle, Morris, Schual-Berke, Cairnes, Armstrong, Hunter, Nixon, Simpson, G., Moeller, Morrell, Clibborn and Tom

AN ACT Relating to a use tax exemption for amusement and recreation services donated to or by nonprofit organizations or state or local governmental entities; amending RCW 82.12.02595; and declaring an emergency.

Referred to Committee on Finance.

HB 2404 by Representative Nixon

AN ACT Relating to cancer registry information; and amending RCW 70.54.240.

Referred to Committee on Health Care.

HB 2405 by Representatives Romero, Hudgins, Haigh, Conway, Cooper, Chase, Ormsby, Upthegrove, Simpson, G., Hunt, Cody, Darneille, Campbell, Kenney, Dunshee, Wood, Nixon, Moeller, Morrell, Rockefeller, Clibborn, Kagi, Lantz and Schual-Berke

AN ACT Relating to requiring personal service, purchased service, and civil service contracts to be performed by citizens of the United States or persons authorized by federal law to work in the United States; amending RCW 39.29.008, 41.06.142, and 43.19.1911; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2406 by Representatives McCoy, Rockefeller, Conway, McDermott, Sullivan, Ormsby, Fromhold, Hunt, Lovick, Cooper, Haigh, Anderson, Kenney, Santos, Darneille, Chase, Moeller and Lantz

AN ACT Relating to teaching Washington's tribal history and culture; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 2407 by Representatives McCoy, Linville, Conway, Rockefeller, Sullivan, McDermott, Ormsby, Hunt, Lovick, Cooper, Kenney, Chase, Simpson, G., Moeller, Morrell and Clibborn

AN ACT Relating to participation by the state of Washington in a pilot negotiation and settlement of water rights involving Washington Indian tribes and the federal government; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Agriculture & Natural Resources.

HB 2408 by Representative Crouse

AN ACT Relating to legal use of quadricycles on public highways; amending RCW 46.16.0621, 46.37.070, 46.37.522, 46.37.523, 46.37.525, 46.37.528, 46.37.530, 46.37.537,

46.37.539, 46.61.608, 46.61.610, 46.61.612, 46.61.613, and 46.81A.001; reenacting and amending RCW 46.04.332, 46.16.010, 46.20.500, and 46.81A.010; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; providing an effective date.

Referred to Committee on Transportation.

HB 2409 by Representatives Bush, Mielke, McDonald, Carrell, Talcott, McMahan, Boldt, Sump, Campbell, Roach, Anderson, Schindler and Shabro

AN ACT Relating to reimbursement of public entities for compensation paid to officers and employees; amending RCW 4.92.070, 41.28.200, 41.40.052, and 43.43.310; reenacting and amending RCW 6.15.020, 41.26.053, and 41.32.052; adding a new section to chapter 4.22 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2410 by Representatives Bush, Schoesler, Mielke, Carrell, Sump, Boldt, McMahan and Campbell

AN ACT Relating to ensuring accurate identification of persons who commit crimes; adding a new section to chapter 9A.76 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2411 by Representatives Bush, Mielke, Orcutt, Sump, Armstrong, Nixon and Condotta

AN ACT Relating to allowing outdoor burning in areas that were formally given a nonattainment designation by the federal government because of air quality; and amending RCW 70.94.743.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2412 by Representatives Bush and Nixon

AN ACT Relating to reducing nuisance noise from vehicle sound systems; adding new sections to chapter 70.107 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2413 by Representatives Bush and Nixon

AN ACT Relating to reducing nuisance noise from off-road vehicles; amending RCW 46.09.120 and 46.09.190; and prescribing penalties.

Referred to Committee on Transportation.

HB 2414 by Representatives Kenney, Campbell, Morrell, Hankins, Cody, Clibborn, Edwards, Armstrong, Ormsby, Conway, Dickerson and Moeller

AN ACT Relating to the nursing care quality assurance commission; and amending RCW 18.79.070.

Referred to Committee on Health Care.

HB 2415 by Representatives Haigh, Talcott, Wallace, Armstrong, Fromhold, Anderson, Uptegrove, Simpson, G., Morrell, Conway and Rockefeller

AN ACT Relating to defining veteran for certain purposes; and amending RCW 41.04.007.

Referred to Committee on State Government.

HB 2416 by Representatives Simpson, G., Delvin, Cooper and Chase

AN ACT Relating to raising the sixty percent cap on retirement allowances from the law enforcement officers' and fire fighters' retirement system plan 1; and amending RCW 41.26.100.

Referred to Committee on Appropriations.

HB 2417 by Representatives Simpson, G., Hudgins, Morrell, Sullivan, Chase, Rockefeller and Schual-Berke

AN ACT Relating to notifying home buyers or tenants of where information regarding registered sex offenders may be obtained; amending RCW 64.06.020; adding a new section to chapter 64.06 RCW; adding a new section to chapter 59.04 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 59.20 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2418 by Representatives Cooper, Delvin, Simpson, G., Hinkle, Chase and Morrell

AN ACT Relating to providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.470; and creating a new section.

Referred to Committee on Appropriations.

HB 2419 by Representatives Simpson, G., Delvin, Cooper, Hinkle, Chase, Morrell and Conway

AN ACT Relating to calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment; and amending RCW 41.26.510.

Referred to Committee on Appropriations.

HB 2420 by Representatives Hunter, Armstrong, Nixon, Tom, Hunt, Jarrett, Haigh, Ruderman, Clibborn, Upthegrove and Moeller

AN ACT Relating to counting votes on ballots for write-in candidates; amending RCW 29A.24.310 and 29.62.180; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 2421 by Representatives Pearson, O'Brien, Carrell, Sullivan, Mielke, McDonald, Kristiansen, Lovick, Ahern, Sehlin, Bailey and Condotta

AN ACT Relating to standardized chemical dependency assessment protocols; adding new sections to chapter 70.96A RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2422 by Representatives Hudgins, Conway, Simpson, G., Sullivan, Dickerson, Nixon, Chase, Linville, Morrell and Rockefeller

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

Referred to Committee on Commerce & Labor.

HB 2423 by Representatives Hudgins and Chase

AN ACT Relating to safe operation of unattended service stations; and adding a new section to chapter 48.48 RCW.

Referred to Committee on Commerce & Labor.

HB 2424 by Representatives Hudgins, Chase and Upthegrove

AN ACT Relating to solemnizing marriages; and amending RCW 26.04.050.

Referred to Committee on Juvenile Justice & Family Law.

HB 2425 by Representatives Jarrett, Sullivan, Tom, Clibborn, Armstrong, Talcott, Morrell and Moeller

AN ACT Relating to employing school district superintendents; and amending RCW 28A.400.010, 28A.400.300, and 28A.400.315.

Referred to Committee on Education.

HB 2426 by Representatives Jarrett, Armstrong, Clibborn, Priest, Fromhold, Morrell, Anderson, Moeller, Rockefeller and Lantz

AN ACT Relating to providing a financial incentive for high school students who complete postsecondary credits; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2427 by Representatives O'Brien, Clements, Kirby, Nixon, Chase, Bush, Simpson, D., Jarrett, Lovick, Sump, Shabro, Campbell, Mielke, Benson, Pearson, Cairnes and Buck

AN ACT Relating to fair competition in class I and class II correctional industries; amending RCW 72.09.070, 72.09.100, 72.09.015, 34.05.030, and 34.05.030; reenacting and amending RCW 72.09.100; adding a new section to chapter 72.09 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Criminal Justice & Corrections.

HB 2428 by Representatives O'Brien, Ahern, Campbell, Bush, McCoy, Conway, Mielke, Blake, Benson, Pearson, Cairnes and Anderson

AN ACT Relating to compliance with federal selective service requirements before the issuance of a driver's license; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2429 by Representatives O'Brien, Mielke, Darneille, Fromhold, Jarrett, Lovick, Pearson and Kagi

AN ACT Relating to the adjustment of child support orders; and amending RCW 26.09.170.

Referred to Committee on Juvenile Justice & Family Law.

HB 2430 by Representatives O'Brien, Mielke, Kagi, Benson, Lantz, Sump, Chase, Pearson, Cody, Kirby, McCoy, Dickerson, Cairnes, Clibborn, Kenney, Holmquist and Rockefeller

AN ACT Relating to purchasing manufactured homes; amending RCW 43.185.050; adding a new section to chapter 43.185 RCW; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 2431 by Representatives Upthegrove, Cooper and Chase

AN ACT Relating to Dungeness crab endorsement; amending RCW 77.32.430; creating a new section; and providing an effective date.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2432 by Representatives Alexander, Romero, Bush and Hunt

AN ACT Relating to lake management districts; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 2433 by Representatives Hatfield, Clements, Haigh, Grant, Armstrong, Blake, Sump and Condotta

AN ACT Relating to appearing on a ballot for two offices; amending RCW 29A.20.020, 29A.24.310, and 29A.36.200; and providing an effective date.

Referred to Committee on State Government.

HB 2434 by Representatives Hatfield, Orcutt, Hinkle, Grant, Armstrong, Schoesler, Blake, Holmquist, Bush and Condotta

AN ACT Relating to legislative hearings on proposed agency rules; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2435 by Representatives Morrell, Bailey, Lantz, McCoy, Bush, Kirby, O'Brien, Sullivan, Carrell, Conway, Chase, Cody, Haigh, Schual-Berke, Clibborn, Santos, Jarrett, Simpson, G., Woods, Campbell, Ormsby, Wallace, Upthegrove, Cooper, Armstrong, Talcott, Kenney, Dunshee, Wood, Linville, Condotta, Moeller, Kessler, Rockefeller, Kagi and Hankins

AN ACT Relating to excluding benefits for disabilities related to military duties from the income calculation for the retired person property tax relief program; and amending RCW 84.36.383.

Referred to Committee on Finance.

HB 2436 by Representatives Morrell, Lantz, Carrell, Bush, Moeller, Kirby, McCoy, Dickerson, O'Brien, Conway, Chase, Sullivan, Cody, Haigh, Rockefeller, Fromhold, Schual-Berke, Hudgins, Talcott, Clibborn, Darneille, Ormsby, Simpson, G., Hunt, Jarrett, Campbell, Wallace, Upthegrove, Woods, Armstrong, Kenney, Dunshee, Nixon, Condotta and Hankins

AN ACT Relating to increasing the combined disposable income eligibility threshold for the retired persons property tax relief program; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

HB 2437 by Representatives Morrell, Priest, Kenney, O'Brien, Miloscia, Carrell, McCoy, Kirby, Lantz, Conway, Dickerson, Fromhold, Chase, Sullivan, Cody, Hudgins, Haigh, Schual-Berke, Clibborn, Jarrett, Ormsby, Cox, Upthegrove, Anderson, Condotta, Moeller, Rockefeller, Kagi and Tom

AN ACT Relating to improving transfer to four-year institutions of higher education; and amending RCW 28B.80.290.

Referred to Committee on Higher Education.

HB 2438 by Representatives Buck, Kessler, Schoesler, Haigh, Eickmeyer, Hatfield and Blake

AN ACT Relating to elections for changing a municipal plan of government; and amending RCW 35A.06.050.

Referred to Committee on Local Government.

HB 2439 by Representatives Conway, Hankins, Campbell, Cooper, Kenney, Wood, Simpson, D., Chase, Simpson, G., Moeller, Morrell, Hudgins and Dickerson; by request of Governor Locke and Washington State Apprenticeship and Training Council

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

Referred to Committee on Commerce & Labor.

HB 2440 by Representatives Chase, O'Brien, Lovick, Simpson, D., Morrell, Condotta and Moeller

AN ACT Relating to police horses; and amending RCW 4.24.410.

Referred to Committee on Judiciary.

HB 2441 by Representatives Chase, Wallace, Conway, Simpson, D., Condotta, Moeller, Morrell, Anderson, Upthegrove and Hudgins

AN ACT Relating to creating a "Washington Made" logo; and amending RCW 43.31.057.

Referred to Committee on Trade & Economic Development.

HB 2442 by Representatives Chase, Pettigrew, Cody, Morrell, Schual-Berke, Dickerson and Santos

AN ACT Relating to including access to family planning services in growth management planning; and amending RCW 36.70A.020.

Referred to Committee on Local Government.

HB 2443 by Representatives Chase, Cox, Morrell, Kenney and Anderson

AN ACT Relating to requiring a common course catalog among institutions of higher education; and amending RCW 28B.80.280 and 28B.80.290.

Referred to Committee on Higher Education.

HB 2444 by Representatives Chase, O'Brien, Pettigrew, McCoy, Cooper, Condotta, Simpson, G. and Dickerson

AN ACT Relating to the disposal of dead animals; and amending RCW 16.68.120 and 16.68.180.

Referred to Committee on Agriculture & Natural Resources.

HB 2445 by Representatives Chase, Crouse, Hunt, Nixon, McDermott, Simpson, D., Lovick, Morrell, Cooper, Armstrong, Bush, Wood, Upthegrove and Tom

AN ACT Relating to providing incentives to support the renewable energy industry in Washington state; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2446 by Representatives O'Brien, Pearson, Sullivan and Cooper

AN ACT Relating to eliminating a restriction on payment agreements; amending RCW 39.96.010; and repealing RCW 39.96.070.

Referred to Committee on Capital Budget.

HB 2447 by Representatives Sullivan, Lovick, Pearson, McCoy, Hudgins, Simpson, D., Wallace, Armstrong, Wood, Chase, Linville, Upthegrove and Clibborn

AN ACT Relating to tax incentives for alternative fuels; amending RCW 82.68.010, 82.68.030, 82.04.4334, 82.08.955, and 82.12.955; reenacting and amending RCW 82.04.260 and 82.04.260; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 82.68.040; providing an effective date; and providing contingent expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2448 by Representatives Morris, Crouse, Bush, Wallace, Anderson, Ruderman and Armstrong

AN ACT Relating to hours of service requirements for utilities during emergencies; and amending RCW 46.32.020.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2449 by Representatives Cody, Morrell and Schual-Berke

AN ACT Relating to health professions' scope of practice; and amending RCW 18.120.010, 18.120.020, 18.120.030, and 18.120.040.

Referred to Committee on Health Care.

HB 2450 by Representatives Haigh, Lantz, Romero, Armstrong, Bush, Moeller, Rockefeller and Hankins; by request of Washington State Patrol

AN ACT Relating to background checks on gubernatorial appointees; and adding a new section to chapter 43.06 RCW.

Referred to Committee on State Government.

HB 2451 by Representatives Clibborn, Morrell, Bailey, Cody, Hinkle, Alexander, Ruderman, Darneille, Chase, Simpson, G., Rockefeller and Schual-Berke

AN ACT Relating to mandated reporters in boarding homes and nursing homes; amending RCW 74.34.020 and 9A.42.010; and declaring an emergency.

Referred to Committee on Health Care.

HB 2452 by Representatives Morris and Crouse

AN ACT Relating to sites for construction and operation of unstaffed public or private electric utility facilities; and amending RCW 58.17.040.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2453 by Representatives Fromhold, Roach and Condotta

AN ACT Relating to business and occupation tax for wholesale sales of new motor vehicles; amending RCW 82.04.422; and declaring an emergency.

Referred to Committee on Finance.

HB 2454 by Representatives Buck, Eickmeyer, Armstrong and Bush

AN ACT Relating to voluntary contributions to the park land trust revolving fund; and amending RCW 43.30.385.

Referred to Committee on Appropriations.

HB 2455 by Representatives Santos, Anderson and Simpson, G.

AN ACT Relating to financial literacy; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Education.

HB 2456 by Representatives McDonald, Lantz, Carrell, Bush, Pearson, Ahern, Haigh, Armstrong, Talcott, Shabro, Holmquist, Kristiansen, Anderson, Chase, Moeller, Morrell and Woods

AN ACT Relating to the hiring of school district employees; adding a new section to chapter 28A.400 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Education.

HB 2457 by Representatives Hatfield and Buck

AN ACT Relating to allowing title insurance companies to provide a guarantee covering its agents; and amending RCW 48.29.155.

Referred to Committee on Financial Institutions & Insurance.

HB 2458 by Representatives Hatfield and Buck

AN ACT Relating to extending the motor vehicle width limit for recreational vehicle appurtenances; and amending RCW 46.44.010.

Referred to Committee on Transportation.

HB 2459 by Representatives Sommers, Fromhold and Sehlin; by request of Governor Locke

AN ACT Relating to fiscal matters; amending RCW 9.46.100, 28A.650.035, 43.83.020, and 43.105.830; amending 2003 1st sp.s. c 25 ss 101, 106, 109, 110, 111, 113, 114, 115, 118, 119, 121, 123, 124, 126, 128, 129, 130, 140, 141, 142, 143, 146, 147, 148, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 217, 219, 220, 221, 222, 226, 302, 303, 304, 305, 307, 308, 309, 401, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 617, 701, 703, 704, 709, 712, 715, 718, 723, 801, 805, and 806 (uncodified); adding new sections to 2003 1st sp.s. 25 (uncodified); and declaring an emergency.

Referred to Committee on Appropriations.

HB 2460 by Representatives Cody, Campbell, Kessler, Morrell, Haigh, Kenney, Santos, Hatfield, Blake, Linville, Upthegrove, Simpson, G., Moeller and Lantz

AN ACT Relating to access to health insurance for small employers and their employees; amending RCW 48.21.045, 48.43.018, 48.43.035, 48.43.045, 48.44.022, 48.44.023, 48.46.064, and 48.46.066; reenacting and amending RCW 48.43.005; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 48 RCW; creating a new section; repealing RCW 48.21.250, 48.44.360, and 48.46.440; and providing an effective date.

Referred to Committee on Health Care.

HB 2461 by Representatives Kessler, Romero, Cody, Campbell, Morrell, Dickerson, Hatfield and Blake

AN ACT Relating to liability for licensed health care providers; and amending RCW 4.24.300 and 43.70.460.

Referred to Committee on Judiciary.

HB 2462 by Representatives Quall, Haigh and Talcott

AN ACT Relating to teacher cottages in nonhigh school districts totally surrounded by water, serving fewer than forty students; and amending RCW 28A.335.240 and 28A.335.130.

Referred to Committee on Education.

HB 2463 by Representatives Cody, Morrell, Alexander, Armstrong, Bush, Dickerson, Moeller and Clibborn; by request of Home Care Quality Authority

AN ACT Relating to further reaffirmation and clarification of individual providers' work roles as nonstate employees, excluding these workers from specific provisions under Title 41 RCW; and amending RCW 74.39A.240 and 74.39A.270.

Referred to Committee on Health Care.

HB 2464 by Representatives Dunshee, Quall, Simpson, D., Linville and Moeller

AN ACT Relating to high school seniors in school districts in which school did not begin until after September 30, 2004; amending RCW 28A.150.220; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2465 by Representatives Cooper and Sullivan

AN ACT Relating to overweight vehicle permits; amending RCW 46.44.0941; and providing an effective date.

Referred to Committee on Transportation.

HB 2466 by Representative Boldt

AN ACT Relating to suspension of fines involving parking by disabled persons; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 2467 by Representatives Boldt, Mielke and Moeller

AN ACT Relating to adding license suspension for driving under the influence for purposes of vehicular homicide; and amending RCW 46.61.520.

Referred to Committee on Judiciary.

HB 2468 by Representatives Schual-Berke, Cody, Morrell, Rockefeller, Clibborn and Lantz

AN ACT Relating to creating a joint underwriting association for adult family homes; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2469 by Representatives Simpson, G., Campbell, Conway, Clements, Upthegrove, O'Brien, Cody, Cooper, Bush, Dickerson, Dunshee, Darneille, Hunt, Wood, Chase, Linville, Moeller, Morrell, Rockefeller, Clibborn, Lantz and Schual-Berke

AN ACT Relating to prescription drugs; amending RCW 70.14.050 and 41.05.500; and creating a new section.

Referred to Committee on Health Care.

HB 2470 by Representatives Lovick and Clibborn; by request of Department of Transportation

AN ACT Relating to clarifying damages recoverable in highway accidents; and amending RCW 46.44.110.

Referred to Committee on Transportation.

HB 2471 by Representatives Lovick, Delvin, O'Brien, Edwards, Chase, Ahern, Simpson, D., Kessler, Kirby, Pettigrew, Lantz, Rockefeller, McCoy, Murray, Eickmeyer, Sullivan, Miloscia, Haigh, Dickerson, Hunt, Grant, McDermott, Romero, Ormsby, Darneille, McDonald, Morrell, Wallace, Skinner, Kenney, Moeller, Dunshee, Hudgins, Hankins, Hinkle, Pearson, Santos, Wood, McMahan, Clibborn, Simpson, G., Fromhold, Hunter, Talcott, Kristiansen, Hatfield, Condotta and Conway

AN ACT Relating to special license plates to honor law enforcement officers in Washington killed in the line of duty; amending RCW 46.16.313 and 46.16.316; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2472 by Representatives Lovick, Delvin, O'Brien, Simpson, G., Kessler, Kirby, Kenney, Chase, Simpson, D., Cooper, Anderson and Conway

AN ACT Relating to exempting the surviving spouse of a fallen emergency responder from the state property tax levy; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 2473 by Representatives Clibborn, Woods, Lantz, Jarrett, Darneille, Bailey, Hunt, Lovick, Shabro, Kenney, Chase, Tom and Schual-Berke

AN ACT Relating to possession of weapons in courthouse buildings; and amending RCW 9.41.300.

Referred to Committee on Judiciary.

HB 2474 by Representative Murray; by request of Governor Locke

AN ACT Relating to transportation funding and appropriations; amending 2003 c 360 ss 102, 202, 203, 204, 206, 207, 208, 209, 210, 214, 215, 216, 217, 219, 220, 221, 222, 223, 224, 225, 227, 301, 305, 308, 310, 401, 402, 403, 404, 405, 406, and 407 (uncodified); adding new sections to 2003 c 360 (uncodified); repealing 2003 1st sp.s. c 26 ss 506, 507, and 508 (uncodified); repealing 2003 c 360 ss 211, 212, 213, 306, 307, and 309 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

HB 2475 by Representative Murray; by request of Department of Transportation

AN ACT Relating to toll evasion; amending RCW 46.61.690, 46.63.030, 46.63.140, 46.16.216, and 46.20.270; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Transportation.

HB 2476 by Representative Murray; by request of Department of Transportation

AN ACT Relating to toll collection; reenacting and amending RCW 46.12.370; and adding a new section to chapter 47.46 RCW.

Referred to Committee on Transportation.

HB 2477 by Representatives Nixon, Crouse, Jarrett, Anderson, Ericksen, Shabro, Benson and Talcott

AN ACT Relating to an energy resource portfolio standard; amending RCW 82.08.02567 and 82.12.02567; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; adding a new chapter to Title 80 RCW; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2478 by Representatives Cooper, Sump, Hinkle and Chase

AN ACT Relating to underground petroleum storage tanks; and amending RCW 70.148.005, 70.148.020, 70.149.010, 70.149.040, 70.149.070, and 70.149.080.

Referred to Committee on Financial Institutions & Insurance.

HB 2479 by Representatives Kagi, Hinkle, Cooper and Upthegrove

AN ACT Relating to setting pm 2.5 burn ban triggers and enforcement; and amending RCW 70.94.470 and 70.94.473.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2480 by Representatives Simpson, G. and Benson

AN ACT Relating to the Washington insurance guarantee association act; and amending RCW 48.32.010, 48.32.020, 48.32.030, 48.32.040, 48.32.050, 48.32.060, and 48.32.145.

Referred to Committee on Financial Institutions & Insurance.

HCR 4415 by Representatives Anderson, Haigh, Tom, Santos and Talcott

Establishing a committee to review basic education.

Referred to Committee on Education.

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

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

There being no objection, the House adjourned until 9:55 a.m., January 15, 2004, the 4th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE

THIRD DAY, JANUARY 14, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 15, 2004

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

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

MESSAGE FROM SECRETARY OF STATE

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

Mr. Speaker:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 297, originally filed with this office on June 9, 2003. On January 2, 2004, the sponsor of the proposed initiative filed 22,963 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 280,382 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 297 to you at this time. We expect to complete verification of signatures no later than February 12, 2004 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 12th day of January, 2004.

SAM REED, Secretary of State

There being no objection, Initiative to the Legislature No. 297 was referred to the Committee on Technology, Telecommunications and Energy.

INTRODUCTION & FIRST READING

HB 2481 by Representatives Dickerson, Lovick, Kessler, McIntire, Lantz, Upthegrove, Simpson, G., Darneille, Tom, Moeller, Chase and Santos

AN ACT Relating to increasing marriage license fees to fund domestic violence programs; amending RCW 36.18.010 and 70.123.030; and adding a new section to chapter 70.123 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 2482 by Representatives Anderson, Nixon and Moeller

AN ACT Relating to disclosure of collective bargaining agreements; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 2483 by Representatives Murray and McIntire

AN ACT Relating to the disposition of title fees; amending RCW 46.12.040, 46.12.101, and 46.68.020; and providing an effective date.

Referred to Committee on Transportation.

HB 2484 by Representatives Conway, McMorris and Wood; by request of State Board of Accountancy

AN ACT Relating to modifying the public accountancy act but only with respect to: Expanding board member term limits, extending the experience look-back period for certificate

holders, allowing out-of-state CPAs to qualify for a license with three years of public practice experience during the immediate past five years, expanding sanctioning authority over imposters and exam cheaters, and establishing a penalty for imposters whose license or certificate has been suspended or revoked; amending RCW 18.04.035, 18.04.105, 18.04.180, and 18.04.295; reenacting and amending RCW 18.04.370; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2485 by Representatives Lantz, Carrell, Newhouse, Alexander, Jarrett, Moeller, Sommers, Kagi, Upthegrove, Schual-Berke and Darneille

AN ACT Relating to postjudgment interest on tort judgments; amending RCW 4.56.115, 4.56.110, and 19.52.025; and creating a new section.

Referred to Committee on Judiciary.

HB 2486 by Representatives Lantz, Jarrett, Lovick, Newhouse, Flannigan, Moeller, Carrell, Rockefeller, Upthegrove, Schual-Berke and Tom

AN ACT Relating to the failure to wear safety belt assembly; and amending RCW 46.61.688.

Referred to Committee on Judiciary.

HB 2487 by Representatives Cooper, Campbell, Hunt, Romero, O'Brien, Chase, Sullivan, Ruderman, Dunshee, Wood, Dickerson, Moeller and Morrell

AN ACT Relating to management of hazardous materials in electronic products; amending RCW 70.95.030; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2488 by Representatives Cooper, Campbell, Hunt, Romero, O'Brien, Chase, Sullivan, Ruderman, Dunshee, Wood and Dickerson

AN ACT Relating to electronic product management; and adding a new chapter to Title 70 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2489 by Representatives Cooper, Condotta, Anderson, Nixon, Upthegrove, Priest, Dunshee, Moeller and Armstrong

AN ACT Relating to off-road and nonhighway vehicles; amending RCW 46.09.020, 46.09.110, 46.09.130, 46.09.130, 46.09.240, and 46.09.280; reenacting and amending RCW 46.09.170 and 46.09.170; providing effective dates; and providing expiration dates.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2490 by Representatives Haigh and Armstrong

AN ACT Relating to representation on governing body of entity created by public hospital district; and amending RCW 70.44.240.

Referred to Committee on Health Care.

HB 2491 by Representatives Lantz, Carrell and Holmquist

AN ACT Relating to dishonored checks; and amending RCW 62A.3-515, 62A.3-520, 62A.3-522, and 62A.3-525.

Referred to Committee on Judiciary.

HB 2492 by Representative Sommers; by request of Office of Financial Management

AN ACT Relating to terms of confinement of felony drug offenders; adding new sections to chapter 9.94A RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2493 by Representatives Delvin, Blake, Buck and Hatfield

AN ACT Relating to concealed pistol permits; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 2494 by Representatives Delvin, Campbell, Blake, Schoesler, Buck, Nixon, Condotta, Orcutt, McMorris, Bush and Armstrong

AN ACT Relating to actions against the firearms industry; and adding new sections to chapter 9.41 RCW.

Referred to Committee on Judiciary.

HB 2495 by Representatives Delvin, Lantz, Chase and Bush

AN ACT Relating to establishing means of identifying persons requesting copies of birth certificates; and amending RCW 70.58.082.

Referred to Committee on Health Care.

HB 2496 by Representatives Schual-Berke, Bailey, Cody and Darneille

AN ACT Relating to the admission of residents to nursing facilities; amending RCW 74.42.055; and declaring an emergency.

Referred to Committee on Health Care.

HB 2497 by Representatives Linville, McCoy, Cairnes, Hunt, Rockefeller, Jarrett, Pettigrew, Edwards, Ericksen, Upthegrove, Moeller, Chase, Morrell and Santos

AN ACT Relating to providing notification of natural resource-related actions; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 76.09 RCW; and adding a new section to chapter 89.08 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2498 by Representative Boldt

AN ACT Relating to funding constraints affecting the Washington WorkFirst program; and amending RCW 74.08A.340.

Referred to Committee on Children & Family Services.

HB 2499 by Representatives Morris, McIntire, Nixon, Chase and Orcutt; by request of Department of Revenue and Department of General Administration

AN ACT Relating to exempting fuel cells from sales and use taxes; and amending RCW 82.08.02567 and 82.12.02567.

Referred to Committee on Finance.

HB 2500 by Representative McIntire; by request of Department of Revenue

AN ACT Relating to conforming Washington's tax structure to portions of the streamlined sales and use tax agreement not implemented by chapter 168, Laws of 2003; amending RCW 82.32.020 and 82.32.030; amending 2003 c 168 s 902 (uncodified); reenacting and amending RCW 82.14.020; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing effective dates; and providing contingent effective dates.

Referred to Committee on Finance.

HB 2501 by Representatives Hunter, Cairnes and McIntire; by request of Department of Revenue

AN ACT Relating to correcting errors, omissions, and inconsistencies within Title 82 RCW from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement; amending RCW 82.08.0283, 82.08.0281, 82.08.945, 82.12.945, 82.08.0293, 82.08.037, 82.08.100, 82.12.037, 82.12.070, 82.32.060, 82.04.4284, 82.16.050, 82.14B.150, 82.58.050, 82.04.040, 82.32.520, 82.32.530, 82.02.230, 82.08.010, 82.04.050, 82.32.525, 82.08.080, and 82.04.530; amending 2003 c 168 s 902 (uncodified); reenacting and amending RCW 82.12.0277; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating a new section; providing effective dates; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 2502 by Representatives Eickmeyer, Haigh and Hatfield

AN ACT Relating to the rural county information technology tax credit; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Finance.

HB 2503 by Representatives O'Brien, Pearson, Darneille and Hinkle

AN ACT Relating to inmate booking fees; and amending RCW 70.48.390.

Referred to Committee on Criminal Justice & Corrections.

HB 2504 by Representatives Schoesler, Grant, Holmquist, Cox, Newhouse, Hinkle, Chandler, Sump and McMorris

AN ACT Relating to water policy in regions with regulated reductions in aquifer levels; amending RCW 90.44.445; reenacting and amending RCW 90.14.140; and adding new sections to chapter 89.12 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2505 by Representatives Schual-Berke, Nixon and Chase; by request of Washington Council for Prevention of Child Abuse and Neglect

AN ACT Relating to the fee for birth certificates suitable for display; and amending RCW 70.58.085.

Referred to Committee on Appropriations.

HB 2506 by Representatives Hinkle, Armstrong, Blake, Shabro, Buck, Hatfield, Uptegrove, Condotta, Moeller, McMorris and Bush

AN ACT Relating to allowing property owners to acquire access to landlocked parcels across public lands; amending RCW 79.38.040; adding a new section to chapter 79.38 RCW; adding a new section to chapter 79A.05 RCW; and adding a new section to chapter 43.300 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2507 by Representatives Conway, Bush, Morrell, Campbell, Chase and Moeller

AN ACT Relating to the recoupment of county and city employee salary and wage overpayments; and amending RCW 49.48.200, 49.48.210, and 41.04.230.

Referred to Committee on Commerce & Labor.

HB 2508 by Representatives Conway, Bush, Campbell and Kirby

AN ACT Relating to lodging taxation; amending RCW 67.28.181 and 67.28.200; and creating a new section.

Referred to Committee on Finance.

HB 2509 by Representatives McCoy, Condotta, Conway, McMorris, Moeller and Chase; by request of Employment Security Department

AN ACT Relating to correcting references to the domestic violence provision in RCW 50.20.050; and amending RCW 50.20.240, 50.20.100, and 50.29.020.

Referred to Committee on Commerce & Labor.

HB 2510 by Representatives Conway, McCoy, Condotta, McMorris and Chase; by request of Employment Security Department

AN ACT Relating to tax delinquency assessments for successor employers; and amending RCW 50.12.220.

Referred to Committee on Commerce & Labor.

HB 2511 by Representatives Flannigan, Jarrett, Lovick, Schual-Berke and Moeller; by request of Washington Traffic Safety Commission

AN ACT Relating to clarifying motor vehicle safety belt requirements by replacing references to the federal code; amending RCW 46.61.688; and declaring an emergency.

Referred to Committee on Transportation.

HB 2512 by Representatives Hunter and McIntire; by request of Department of Social and Health Services and Department of Revenue

AN ACT Relating to transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue; amending RCW 43.20A.725 and 80.36.430; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 2513 by Representatives Hudgins, Holmquist and Pettigrew

AN ACT Relating to protecting the title of interior design; amending RCW 18.08.410, 18.27.110, and 19.27.095; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

HB 2514 by Representatives Upthegrove, Jarrett and Chase

AN ACT Relating to defining and clarifying best available science; amending RCW 36.70A.172; and creating a new section.

Referred to Committee on Local Government.

HB 2515 by Representatives Schual-Berke, Benson, Cody, Carrell, Darneille, Boldt, Chase and Santos

AN ACT Relating to fairness and accuracy in the distribution of risk; amending RCW 18.20.125, 74.39A.050, 70.129.105, and 18.20.110; adding new sections to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 74.42 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 2516 by Representatives Carrell, Bush, Cox, Kristiansen and Talcott

AN ACT Relating to providing immunity for persons rendering assistance to residents at facilities under chapters 18.51, 18.20, 70.128, and 70.38 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 2517 by Representatives Kagi, Bailey, Sehlin, Alexander, Darneille, Cody and Schual-Berke

AN ACT Relating to nursing homes; amending RCW 74.42.310; adding a new section to chapter 18.51 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 2518 by Representatives Kirby, Conway, Morris, Holmquist and Hinkle

AN ACT Relating to exempting from the state public utility tax the sales of electricity to an electrolytic processing business; adding a new section to chapter 82.16 RCW; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2519 by Representatives Hatfield, Blake, Crouse and Kagi

AN ACT Relating to county property tax levies for criminal justice purposes; amending RCW 29A.36.210, 84.52.010, and 84.52.043; adding a new section to chapter 84.52 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2520 by Representative Cody

AN ACT Relating to disclosure by persons licensed under chapter 18.225 RCW; and amending RCW 18.225.105.

Referred to Committee on Health Care.

HB 2521 by Representatives Haigh, Armstrong, Miloscia, Nixon, Hunt, Shabro, McDermott, Moeller and Chase

AN ACT Relating to requiring prime contractors to bond the subcontractor's portion of retainage upon request; and amending RCW 60.28.011.

Referred to Committee on State Government.

HB 2522 by Representatives Armstrong, Haigh, Miloscia, Nixon, Tom, Hunt, Shabro, McDermott and Chase

AN ACT Relating to prohibiting rejection of all bids except for good cause; and adding a new section to chapter 39.30 RCW.

Referred to Committee on State Government.

HB 2523 by Representatives Haigh, Armstrong, Miloscia, Nixon, Hunt, Shabro, McDermott, Moeller and Chase

AN ACT Relating to requiring the subcontractor listing to be read with the bid award; and amending RCW 39.30.060.

Referred to Committee on State Government.

HB 2524 by Representatives Carrell, O'Brien, Cox, Pettigrew, Cairnes, McMahan and Santos

AN ACT Relating to creating a joint select committee to study the supervision of offenders in the community by the department of corrections; creating a new section; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2525 by Representatives Linville, Hankins, Ericksen, Delvin, Grant, Blake and Hatfield

AN ACT Relating to harbor lines in Blaine, Edmonds, Ilwaco, Kennewick, and Pasco; and amending RCW 79.92.030.

Referred to Committee on Agriculture & Natural Resources.

HB 2526 by Representatives Schual-Berke, Benson, Simpson, G., McMorris, Moeller, Priest and Chase

AN ACT Relating to self-funded multiple employer welfare arrangements; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.31 RCW; adding a new section to chapter 48.99 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2527 by Representatives Wallace, Blake and Hatfield; by request of Department of Transportation

AN ACT Relating to the Puget Island ferry; and amending RCW 47.56.720.

Referred to Committee on Transportation.

HB 2528 by Representatives Darneille and Benson

AN ACT Relating to boarding homes; amending RCW 18.20.020, 18.20.090, 18.20.160, 18.20.290, 74.39A.009, 74.39A.020, and 70.129.110; adding new sections to chapter 18.20 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2529 by Representatives Morrell, Benson, Chase and Santos

AN ACT Relating to payments for boarding home services; amending RCW 74.39A.030; adding a new section to chapter 74.39A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 2530 by Representative Anderson

AN ACT Relating to school district accountability for the academic preparation of recent high school graduates; and adding a new chapter to Title 28A RCW.

Referred to Committee on Higher Education.

HB 2531 by Representatives Murray, Wallace, McIntire, Dickerson, Hatfield, Rockefeller, Schual-Berke, Moeller, Chase, Conway and Wood

AN ACT Relating to regional transportation investment districts; amending RCW 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.050, 36.120.060, 36.120.070, 36.120.090, 36.120.140, 36.120.190, 36.120.200, 47.56.076, 82.80.010, 82.80.110, and 82.80.120; adding a new section to chapter 36.120 RCW; adding a new section to chapter 47.56 RCW; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Transportation.

HB 2532 by Representative Simpson, G.; by request of Department of Licensing

AN ACT Relating to commercial driver's licenses; amending RCW 46.25.010, 46.25.060, 46.25.070, 46.25.080, 46.25.130, 46.25.160, and 46.63.070; reenacting and amending RCW 46.20.308 and 46.25.090; adding a new section to chapter 46.25 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2533 by Representatives Simpson, G. and Chase; by request of Department of Licensing

AN ACT Relating to vehicle license plates; and amending RCW 46.16.290 and 46.16.316.

Referred to Committee on Transportation.

HB 2534 by Representatives Fromhold, Alexander, Conway, Rockefeller, Simpson, G., Chase and Morrell; by request of Select Committee on Pension Policy

AN ACT Relating to death benefits for members of the Washington state patrol retirement system plan 2; and amending RCW 43.43.295.

Referred to Committee on Appropriations.

HB 2535 by Representatives Alexander, Fromhold, Conway, Rockefeller, Simpson, G., Kessler, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

AN ACT Relating to permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.35 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2536 by Representatives Alexander, Fromhold, Conway, Rockefeller, Simpson, G., Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

AN ACT Relating to permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 to buy down the early retirement reduction amounts; amending RCW 41.40.630, 41.40.820, 41.35.420, and 41.35.680; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.35 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2537 by Representatives Alexander, Fromhold, Conway, Simpson, G., Moeller and Chase; by request of Select Committee on Pension Policy

AN ACT Relating to establishing a public safety employees' retirement system plan 2; amending RCW 41.45.010, 41.45.020, 41.45.050, 41.50.030, 41.50.060, 41.50.075, 41.50.080, 41.50.110, 41.50.150, 41.50.152, 41.50.255, 41.50.500, 41.50.670, 41.50.790, 41.40.010, 41.26.500, 41.32.800, 41.35.230, 41.40.690, 41.54.010, 41.54.040, 41.32.802, 41.32.862, and 41.35.060; reenacting and amending RCW 41.45.060, 41.45.061, 41.45.070, 43.84.092, and 41.40.037; adding a new section to chapter 41.40 RCW; adding a new chapter to Title 41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 2538 by Representatives Conway, Fromhold, Alexander, Rockefeller, Upthegrove, Simpson, G., Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

AN ACT Relating to establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years; and amending RCW 41.32.4851 and 41.40.1984.

Referred to Committee on Appropriations.

HB 2539 by Representatives Fromhold, Conway, Alexander, Upthegrove, Simpson, G., Moeller and Chase; by request of Select Committee on Pension Policy

AN ACT Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount; amending RCW 41.40.197 and 41.32.489; and providing an effective date.

Referred to Committee on Appropriations.

HB 2540 by Representatives Alexander, Conway, Fromhold, Upthegrove, Simpson, G., Moeller, Chase and Bush; by request of Select Committee on Pension Policy

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Appropriations.

HB 2541 by Representatives Conway, Fromhold and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems; and amending RCW 41.45.020 and 41.45.035.

Referred to Committee on Appropriations.

HB 2542 by Representatives Fromhold, Alexander, Conway, Simpson, G., Moeller and Chase; by request of Select Committee on Pension Policy

AN ACT Relating to allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation; and amending RCW 41.32.010.

Referred to Committee on Appropriations.

HB 2543 by Representatives Condotta, Lovick, O'Brien, Boldt, Delvin, Pearson, Simpson, G. and Moeller

AN ACT Relating to eliminating gang-related activities on or near school grounds; adding new sections to chapter 9A.46 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2544 by Representatives Condotta, Lovick, O'Brien, Boldt, Delvin, Simpson, G. and Chase

AN ACT Relating to eliminating dangerous weapons in schools; and amending RCW 9.41.280.

Referred to Committee on Judiciary.

HB 2545 by Representatives Condotta, Chase, Armstrong, Sump, Hunt, Chandler, Newhouse, Hinkle, Kristiansen, Holmquist, Clements, Schoesler and Skinner

AN ACT Relating to clarifying the meaning of ongoing agricultural activities; and amending RCW 70.94.743.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2546 by Representatives McIntire, Morris, Hunter, Ruderman, Kessler, Lovick, Hunt, Grant, Hatfield, Fromhold and Clibborn; by request of Governor Locke

AN ACT Relating to high technology and research and development tax incentives; amending RCW 82.04.4452, 82.63.010, 82.63.020, 82.63.030, 82.63.045, and 82.63.070; adding new sections to chapter 82.04 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2547 by Representatives Simpson, D., Cairnes, Haigh, Conway, McCoy, Simpson, G., Chase and Orcutt; by request of Department of Revenue and Department of Veterans Affairs

AN ACT Relating to the property taxation of vehicles carrying exempt licenses; and amending RCW 84.36.595.

Referred to Committee on Finance.

HB 2548 by Representatives Dickerson, Pettigrew, Darneille, Boldt, Miloscia, Bailey, Shabro, McIntire, Schual-Berke, Moeller, Chase and Santos

AN ACT Relating to creating a food bank outreach pilot program; adding a new section to chapter 74.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 2549 by Representatives Dickerson, Cooper, Hunt, Rockefeller and Chase

AN ACT Relating to minimizing the environmental impacts of commercial passenger vessels; amending RCW 90.48.160, 53.08.080, 90.48.037, 90.48.120, 90.48.144, and 70.146.030; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2550 by Representative Boldt

AN ACT Relating to community-based and faith-based social services organizations; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Children & Family Services.

HB 2551 by Representatives Schoesler, Sump, Cox, Kristiansen, Newhouse, Holmquist, Pearson, Buck, McIntire and Anderson

AN ACT Relating to the state parks and recreation commission; amending RCW 79A.05.015; and providing an effective date.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2552 by Representatives Schoesler, Lovick, Newhouse, Cox, Bush, Kristiansen, Hatfield, Holmquist, Eickmeyer and Buck

AN ACT Relating to implied consent warnings; and reenacting and amending RCW 46.20.308.

Referred to Committee on Judiciary.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 16, 2004, the 5th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FOURTH DAY, JANUARY 15, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 16, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christopher Badger and Jennifer Turner. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. Charlotte Petty, Risen Faith Fellowship, Olympia.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding): "It is with great sadness that I tell you that Comil Padayao, long time employee with the House died this morning after a brief illness. Comil worked for the House since 1965, retiring last fall. Let us have a brief moment of silence in his honor. Thank you."

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

INTRODUCTION & FIRST READING

HB 2553 by Representatives Pettigrew, Delvin and Dickerson; by request of Department of Social and Health Services

AN ACT Relating to the distribution of child support amongst multiple cases; and amending RCW 26.23.035.

Referred to Committee on Juvenile Justice & Family Law.

HB 2554 by Representatives Dickerson, Kagi, Lovick, Delvin, Pettigrew, Rockefeller and Wood; by request of Department of Social and Health Services

AN ACT Relating to requiring support payments for a child with a developmental disability in out-of-home care; amending RCW 13.34.160, 13.34.270, 74.13.031, 74.13.350, and 74.20A.030; and providing an effective date.

Referred to Committee on Juvenile Justice & Family Law.

HB 2555 by Representatives Blake, McCoy, Delvin, Moeller, Ruderman, O'Brien, Hatfield, Haigh, Simpson, G., Kenney, Conway, Wood, Morrell, Linville, Kessler and Clibborn

AN ACT Relating to training benefits for pulp, paper, and paperboard workers; amending RCW 50.22.150; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2556 by Representatives O'Brien, Kagi, Carrell, Upthegrove, Miloscia, Lovick and Moeller

AN ACT Relating to studying criminal background check processes; creating new sections; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2557 by Representatives O'Brien, Kagi, Pearson, Lovick, Carrell, Miloscia, Moeller and Rockefeller

AN ACT Relating to the collection of criminal palmprint records; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2558 by Representatives Lovick, Carrell, O'Brien, Darneille, Kagi, Miloscia and Rockefeller

AN ACT Relating to protection of personal and identifying information; amending RCW 65.04.110; reenacting and amending RCW 42.17.310 and 42.17.310; adding a new section to chapter 40.14 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2559 by Representatives O'Brien, Kagi, Darneille, Upthegrove, Miloscia and Lovick

AN ACT Relating to the certification of corrections officers; amending RCW 43.101.085, 43.101.010, 43.101.380, and 43.101.400; adding new sections to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2560 by Representatives Wallace, Morris and Nixon

AN ACT Relating to the taxation of internet services; and amending RCW 35.21.717.

Referred to Committee on Finance.

HB 2561 by Representatives Dickerson and Delvin; by request of Uniform Legislation Commission

AN ACT Relating to the uniform interstate family support act; and amending RCW 26.21A.900.

Referred to Committee on Juvenile Justice & Family Law.

HB 2562 by Representatives Delvin and Dickerson; by request of Uniform Legislation Commission

AN ACT Relating to the uniform paternity act; and amending RCW 26.26.330 and 26.26.310.

Referred to Committee on Juvenile Justice & Family Law.

HB 2563 by Representatives Upthegrove, Jarrett, Schindler, Newhouse, Linville and Clibborn

AN ACT Relating to providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance; and amending RCW 36.70A.177.

Referred to Committee on Local Government.

HB 2564 by Representatives McCoy, Linville, Conway, Rockefeller, Sullivan, McDermott, Ormsby, Hunt, Lovick, Moeller, Kenney, McIntire, Kagi and Clibborn

AN ACT Relating to participation by the state of Washington in a pilot negotiation and settlement of water rights involving Washington Indian tribes and the federal government; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Agriculture & Natural Resources.

HB 2565 by Representatives Hudgins, McCoy, Kenney, Conway, Wood, Chase, Moeller, Simpson, G., Morrell and Santos

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

Referred to Committee on Commerce & Labor.

HB 2566 by Representatives Hudgins, Hankins, Flannigan, Mastin, Grant, Skinner, Chase, Bailey and Moeller

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

Referred to Committee on State Government.

HB 2567 by Representatives Ruderman, Nixon, Cooper, Morris and Simpson, G.

AN ACT Relating to limiting homeowners' associations authority to restrict the use of fire resistant roofing materials; amending RCW 64.38.020; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Judiciary.

HB 2568 by Representative Chase

AN ACT Relating to professional vocational/career evaluation and rehabilitation counselors; and amending RCW 18.225.010, 18.225.020, 18.225.030, 18.225.060, 18.225.070, and 18.225.090.

Referred to Committee on Health Care.

HB 2569 by Representatives Kenney, McIntire, Talcott, Dickerson, McCoy, Quall, Fromhold, Pettigrew, Moeller, Chase, Haigh, Simpson, G., Rockefeller, Hunt and Morrell

AN ACT Relating to safe drinking water in Washington public schools; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 2570 by Representatives Schindler, Miloscia, Priest, Mielke, Ahern and Edwards

AN ACT Relating to allowing water-sewer districts to consider fees in selecting engineering services; reenacting and amending RCW 57.08.050; and adding a new section to chapter 39.80 RCW.

Referred to Committee on Local Government.

HB 2571 by Representatives Boldt, Rockefeller, Alexander, Upthegrove, Bailey, Moeller and Anderson

AN ACT Relating to school policies on health evaluations for and the administration of psychotropic drugs to children; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Education.

HB 2572 by Representatives Dunshee, Alexander, Hunt and Moeller; by request of Governor Locke

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2573 by Representatives Dunshee, Alexander, Hunt and Linville; by request of Governor Locke

AN ACT Relating to the capital budget; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 110, 161, 169, 234, 313, 312, 317, 367, 394, 406, 501, 743, 130, 135, 159, 171, 172, 246, 267, 304, 310, 315, 356, 379, 389, 390, 412, 621, 628, 633, 659, 678, 696, 702, 784, 786, 798, 801, and 907 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; creating a new section; repealing 2003 1st sp.s. c 26 s 340 (uncodified); and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2574 by Representatives Tom, Clibborn, Jarrett, Hunter, Priest, Conway, Shabro, Sehlin, Benson, Moeller, Chase and Rockefeller

AN ACT Relating to disclosure of information related to real estate excise taxes; and reenacting and amending RCW 82.32.330.

Referred to Committee on Finance.

HB 2575 by Representatives Cairnes, Cody, Conway, Wood and Kenney; by request of Horse Racing Commission

AN ACT Relating to the management of moneys by the Washington horse racing commission; amending RCW 67.16.010, 67.16.102, and 67.16.105; reenacting and amending RCW 43.79A.040; adding new sections to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2576 by Representatives Romero, Nixon, Dunshee, Tom, Hunt and McIntire; by request of Department of Transportation

AN ACT Relating to studded tires; amending RCW 46.37.420; reenacting and amending RCW 47.36.250; and providing an effective date.

Referred to Committee on Transportation.

HB 2577 by Representatives Linville, Carrell, Kirby, Newhouse, Lovick, Campbell, McMahan, Moeller and Flannigan

AN ACT Relating to nonprofit corporations; and amending RCW 24.03.065, 24.03.075, and 24.03.465.

Referred to Committee on Judiciary.

HB 2578 by Representatives O'Brien, Delvin, Pettigrew, Benson, Kessler, Haigh, Boldt, Clibborn and Pearson

AN ACT Relating to adding situations in which a crime victim is vulnerable or incapable of resistance due to the lack of a fixed residence to the list of illustrative aggravating circumstances for which an exceptional sentence may be imposed; and amending RCW 9.94A.535.

Referred to Committee on Criminal Justice & Corrections.

HB 2579 by Representatives Romero, Schindler, Moeller, Alexander and Kessler

AN ACT Relating to making technical changes to county treasurer statutes; and amending RCW 36.24.130, 36.24.140, 36.29.024, 46.44.170, 84.40.130, 84.56.025, 84.56.120, and 84.64.080.

Referred to Committee on Local Government.

HB 2580 by Representatives Lovick, Campbell, Flannigan, McDonald, Lantz and Kirby

AN ACT Relating to fees charged by counties; and amending RCW 36.18.016, 4.12.090, and 36.18.012.

Referred to Committee on Local Government.

HB 2581 by Representatives Lovick, McDonald, Flannigan, Lantz, Kirby and Moeller

AN ACT Relating to public seals; and amending RCW 5.44.130.

Referred to Committee on Judiciary.

HB 2582 by Representatives Linville, Bailey, Cody and Campbell

AN ACT Relating to interim permits for speech-language pathologists and audiologists; and amending RCW 18.35.060.

Referred to Committee on Health Care.

HB 2583 by Representatives Lovick and Delvin; by request of Administrative Office of the Courts

AN ACT Relating to issuance of infractions and citations; amending RCW 7.80.150, 7.84.030, 20.01.482, 46.64.010, and 46.64.015; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2584 by Representatives Hatfield, Kessler, Blake, Buck, Rockefeller and Conway

AN ACT Relating to reimbursement to counties for extraordinary criminal justice costs; and amending RCW 43.330.190.

Referred to Committee on Appropriations.

HB 2585 by Representatives Cody, Bailey and Schual-Berke

AN ACT Relating to prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool; and amending RCW 48.41.190.

Referred to Committee on Judiciary.

HB 2586 by Representatives Miloscia, Schindler, Upthegrove, Ahern and Schual-Berke

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

Referred to Committee on Local Government.

HB 2587 by Representatives Wood, Nixon, Lovick, Campbell, Hankins, Hatfield, Moeller, Rockefeller and Kagi

AN ACT Relating to physical and medical exemptions from motor vehicle safety belt requirements; amending RCW 46.61.688; adding a new section to chapter 46.61 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 2588 by Representatives Pearson, O'Brien, Kristiansen, Grant, Buck, Mastin, Sump, Kessler, Benson, Delvin, Boldt, McDonald, Crouse, Condotta and Ahern

AN ACT Relating to testing for bloodborne pathogens; amending RCW 70.24.340, 70.24.360, and 70.24.370; reenacting and amending RCW 70.24.105; and declaring an emergency.

Referred to Committee on Health Care.

HB 2589 by Representatives Pearson, Kristiansen, Buck, Sump, Boldt, Crouse, Delvin, Condotta and Holmquist

AN ACT Relating to liability for damage to livestock; amending RCW 4.24.630; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2590 by Representatives Cooper, Lovick, Dickerson, McCoy, Romero, Moeller, Kenney and Santos

AN ACT Relating to audible pedestrian crossing signals; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

HB 2591 by Representatives Cooper, Kagi, Upthegrove, McCoy, Dickerson and Chase

AN ACT Relating to coastal management; adding new sections to chapter 43.21A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2592 by Representatives Clements, O'Brien, Hinkle, Hankins, Sump, Ericksen, Condotta, McMorris, Campbell, Delvin, Skinner, Holmquist, Kristiansen, Schoesler, Lovick, Roach, Cox, Woods, Moeller, Anderson, Newhouse, Rockefeller, Bush and Nixon

AN ACT Relating to ensuring the use of Washington state driver's licenses for positive identification purposes; amending RCW 46.20.035; and creating a new section.

Referred to Committee on Transportation.

HB 2593 by Representatives Moeller, Wallace, Fromhold and Clibborn

AN ACT Relating to annexation; providing authorization for cities that are required to plan under the growth management act to annex areas within their urban growth boundary; establishing a process to facilitate annexations between cities and counties; amending RCW 36.93.105; adding a new section to chapter 35.13 RCW; and adding new sections to chapter 39.34 RCW.

Referred to Committee on Local Government.

HB 2594 by Representatives Moeller, Fromhold, Wallace and Santos

AN ACT Relating to restrictions on the residency of sex offenders during their period of community custody; and amending RCW 9.94A.710, 9.94A.712, and 9.94A.715.

Referred to Committee on Criminal Justice & Corrections.

HB 2595 by Representatives Dickerson, Conway, Delvin, Pettigrew, Wood, Schindler, Moeller, Kenney, Morrell and Kagi

AN ACT Relating to monitoring compliance with standards regarding the sale of violent video and computer games; adding a new section to chapter 43.63A RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

HB 2596 by Representatives Dickerson, Kagi, Kirby, Quall, Schual-Berke, Simpson, G., Tom, Kenney, McDermott, Boldt, Wood, Linville, Chase, Lantz, O'Brien, Haigh, Conway, Morrell, Miloscia, Kessler, Santos and Clibborn

AN ACT Relating to early intervention services for children with disabilities; and adding new sections to chapter 28A.155 RCW.

Referred to Committee on Children & Family Services.

HB 2597 by Representatives Dickerson, Kagi, Darneille, Pettigrew, Kenney, Ruderman, Kirby and Chase

AN ACT Relating to the duty of a member of the clergy to report sexual abuse of a child; and amending RCW 26.44.020 and 26.44.030.

Referred to Committee on Children & Family Services.

HB 2598 by Representatives Grant, Holmquist, Linville, Kessler, Quall, Clements, Ahern, Cox, Sehlin, Morris, Priest, Kristiansen, Nixon, Santos, Buck, Wallace, Orcutt, Armstrong, Clibborn, Chandler, Schoesler, Sump, Bush, Jarrett, Kenney, Hatfield, Lovick, Eickmeyer, O'Brien, Blake, Ruderman, Skinner, Hinkle, Newhouse, Anderson, Schindler, Tom, Wood, Hankins, McMahan and Condotta; by request of Governor Locke

AN ACT Relating to providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts; and amending RCW 34.05.570.

Referred to Committee on Judiciary.

HB 2599 by Representatives Holmquist, Miloscia, Mielke, Boldt, Cox, McMorris, Benson, Kristiansen, Bush, Ahern, Campbell, McMahan and Talcott

AN ACT Relating to requiring informed consent for abortion; adding a new section to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 2600 by Representatives Carrell, Lantz, Moeller, Flannigan, McMahan, Kirby, Newhouse and Lovick

AN ACT Relating to firearms; amending RCW 9.41.047; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2601 by Representatives Lovick, Carrell, Flannigan, Newhouse, Lantz, Ahern, Morrell, O'Brien, Kirby, Cooper, Moeller, McMahan, Haigh, Campbell, Rockefeller, Conway and Wood

AN ACT Relating to unlawful discharge or discipline of reserve officers; and amending RCW 49.12.460.

Referred to Committee on Commerce & Labor.

HB 2602 by Representative McDonald

AN ACT Relating to driver training; and amending RCW 46.82.280 and 46.82.300.

Referred to Committee on Transportation.

HB 2603 by Representative McDonald

AN ACT Relating to driving instructor licenses; and amending RCW 46.82.320.

Referred to Committee on Transportation.

HB 2604 by Representatives Mielke, Edwards, Ericksen, Boldt, Campbell, Schindler, Sullivan and Bush

AN ACT Relating to restricted use of high-occupancy vehicle lanes during workday rush hours; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

HB 2605 by Representatives Bush, Mielke, Boldt, Sump, Orcutt, Campbell, McMorris and Nixon

AN ACT Relating to allowing outdoor burning in areas that are no longer designated a nonattainment area by the federal government because of air quality; and amending RCW 70.94.743.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2606 by Representative Ericksen

AN ACT Relating to transportation governance; amending RCW 47.01.041, 43.17.020, 35.58.2795, 36.57A.070, 36.79.120, 36.120.020, 43.160.074, 46.44.080, 46.61.450, 47.01.012, 47.01.071, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 47.06.030, 47.06.050, 47.12.242, 47.12.330, 47.24.010, 47.26.170, 47.28.010, 47.80.060, 36.79.010, 36.79.130, 46.44.042, 46.44.090, 46.44.092, 46.44.096, 47.02.120, 47.02.140, 47.10.843, 47.10.844, 47.12.200, 47.12.220, 47.17.132, 47.26.440, 47.38.060, 47.46.090, 47.46.120, 47.52.133, 47.52.145, 47.52.210, 47.56.030, 47.56.032, 47.56.070, 47.56.076, 47.56.080, 47.56.110, 47.56.120, 47.56.250, 47.60.013, 47.60.445, 47.60.800, 47.64.011, and 47.64.170; reenacting and amending RCW 43.160.010; adding a new section to chapter 47.01 RCW; creating new sections; repealing RCW 47.01.051 and 47.01.061; and providing effective dates.

Referred to Committee on Transportation.

HB 2607 by Representative Ericksen

AN ACT Relating to using revenue from leasing department of transportation terminal, dock, and pier space for private passenger-only ferry grants; amending RCW 81.84.020; reenacting and amending RCW 47.64.090 and 43.79A.040; reenacting RCW 47.60.120 and 81.84.010; adding new sections to chapter 47.60 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2608 by Representative Ericksen

AN ACT Relating to third party permit writing for transportation projects; amending RCW 47.01.290; adding a new section to chapter 47.06C RCW; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 2609 by Representative Ericksen

AN ACT Relating to a private-public partnership program; and adding a new chapter to Title 47.46 RCW.

Referred to Committee on Transportation.

HB 2610 by Representatives Anderson, Ericksen and Roach

AN ACT Relating to regional transit authority bonds secured by motor vehicle excise taxes; amending RCW 81.112.130; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2611 by Representatives O'Brien, Delvin, Veloria and Kenney; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to victims of crime; amending RCW 13.40.010, 13.40.165, 13.40.200, 7.69.030, and 7.69A.030; reenacting and amending RCW 13.40.020, 13.40.080, 13.40.160, and 13.40.190; and providing an effective date.

Referred to Committee on Juvenile Justice & Family Law.

HB 2612 by Representatives Grant, Hankins, Delvin and Veloria; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to the Hanford area economic investment fund; and amending RCW 43.31.422 and 43.31.428.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2613 by Representatives Schoesler, McCoy, Ahern, Newhouse, Bush, Eickmeyer and Tom

AN ACT Relating to auctioning vessels; and amending RCW 88.02.230.

Referred to Committee on Commerce & Labor.

HB 2614 by Representatives Morrell and Campbell

AN ACT Relating to participation of denturists in preferred provider networks; and amending RCW 48.20.418, 48.21.148, 48.44.500, and 48.46.570.

Referred to Committee on Health Care.

HB 2615 by Representatives Jarrett, Moeller, Ericksen, Clibborn, Edwards, Schindler, Romero and Tom

AN ACT Relating to modifying the interlocal cooperation act regarding notice requirements for contracting; and amending RCW 39.34.030.

Referred to Committee on State Government.

HB 2616 by Representatives Hatfield, Orcutt, Talcott, Schindler, Buck, Grant, Campbell, Bush, McMorris and Condotta

AN ACT Relating to a finding of necessity for administrative rules; and adding new sections to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2617 by Representatives Schindler, Bush, Talcott, Miloscia, Boldt, Cox, Holmquist, Kristiansen, McMorris, Benson, Mielke, Ahern, Campbell, Carrell and McMahan

AN ACT Relating to requiring parental notification for abortion; adding a new section to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 2618 by Representatives Linville, Schoesler, Holmquist, Grant and Sump

AN ACT Relating to commodity commissions; and amending RCW 15.66.070, 15.66.080, and 15.66.090.

Referred to Committee on Agriculture & Natural Resources.

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

REPORTS OF STANDING COMMITTEES

January 15, 2004

HB 1333 Prime Sponsor, Lantz: Changing the membership of the commission on judicial conduct.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

January 13, 2004

HB 2244 Prime Sponsor, Delvin: Limiting outdoor burning when a fire safety burn ban is declared.
Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien and Pearson.

Passed to Committee on Rules for second reading.

January 15, 2004

HJR 4205 Prime Sponsor, Lantz: Changing the membership of the commission on judicial conduct.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

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

RESOLUTION

HOUSE RESOLUTION NO. 2004-4675, by Representatives Kessler and Chandler

WHEREAS, The House of Representatives adopted permanent rules for the Fifty-eighth Legislature (2003-2004) under House Resolution No. 2003-4600;

NOW, THEREFORE, BE IT RESOLVED, That Rule 23 as set forth in House Resolution No. 2003-4600 is amended as follows:

"Standing Committees

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

1. Agriculture & Natural Resources 13
2. Appropriations 27
3. Capital Budget 25
4. Children & Family Services 9
5. Commerce & Labor 9
6. Criminal Justice & Corrections 7
7. Education 11
8. Finance 9
9. Financial Institutions & Insurance 11
10. Fisheries, Ecology & Parks 9
11. Health Care 13
12. Higher Education (~~(15)~~) 11
13. Judiciary 9
14. Juvenile Justice & Family Law 7
15. Local Government 11
16. Rules 19
17. State Government 9
18. Technology, Telecommunications & Energy 17
19. Trade & Economic Development (~~(44)~~) 13
20. Transportation 29

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

HOUSE BILL NO. 4675 was adopted.

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

COMMITTEE ASSIGNMENTS

Representative Clements was removed from the Committee on Higher Education.

Representative D. Simpson was assigned to the committees on Financial Institutions & Insurance; Fisheries, Ecology & Parks; and Local Government, and was appointed as Vice Chair of Local Government.

Representative Uptegrove was appointed as Vice Chair of the Committee on Fisheries, Ecology & Parks, and removed as Vice Chair of the Committee on Local Government.

There being no objection, the House adjourned until 10:00 a.m., January 19, 2004, the 8th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE

FIFTH DAY, JANUARY 16, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 19, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Gregory Morlock and Ashley Ormsby. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Lee Young, Bible Way Church of God in Christ, Everett.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4676, By Representatives Simpson, D. and Armstrong

WHEREAS, Today, January 19, 2004, communities and neighborhoods all across our state and nation remember, celebrate, and honor the life and work of the Rev. Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's commitment to nonviolence, based in great part upon the life teachings of Mohandas Gandhi, was a model of selflessness and sacrifices made so that later generations might live freer and fuller lives, and might more nearly live in accord with their possibilities; and

WHEREAS, Dr. King was born on January 15, 1929, in Atlanta, Georgia; and on June 18, 1953, he and Coretta Scott were married in Marion, Alabama; and

WHEREAS, Since Dr. King was so violently taken from us on April 4, 1968, Coretta Scott King has carried on in the very same vein of caring and compassion; and

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

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

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

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

WHEREAS, Dr. King's death, an awful loss for our nation and our world, was a particular loss for our own state of Washington in which our largest county is named to honor this great American hero; and

WHEREAS, Dr. King was forever celebrated when the Congress of the United States established a permanent federal holiday to commemorate the date of his birth; and

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

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

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

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

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

Representative D. Simpson moved the adoption of the resolution.

Representatives D. Simpson, Benson, Kenney, Armstrong and Pettigrew spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4676 was adopted.

HOUSE RESOLUTION NO. 2004-4677, By Representatives Ormsby and Mastin

WHEREAS, The people of the State of Washington celebrate CHILDREN as shining beacons of light and hope in our communities; and

WHEREAS, The CHILDREN are the future of Washington State and should be encouraged to reach for the stars so that they may become all that they aspire to be; and

WHEREAS, The CHILDREN of the State of Washington should be nurtured and given a positive environment that can help strengthen their talents, minds, and character; and

WHEREAS, The CHILDREN of the State of Washington should know that their ideas and dreams are valued and respected because we take time to listen to, support, and encourage them; and

WHEREAS, It is our duty and privilege to instill in CHILDREN the hope, charity, integrity, and commitment to community they need to further the ideals of equality, justice, freedom, peace, and prosperity our nation was founded upon; and

WHEREAS, All the citizens of the State of Washington should help our CHILDREN by setting positive examples of what it means to be good neighbors, responsible community members, and helpful friends; and

WHEREAS, The CHILDREN of the State of Washington should be able to enjoy healthy lives, quality education, and future careers; and

WHEREAS, The Washington State House of Representatives welcome CHILDREN to the Chamber in celebration of Children's Day every year so they may witness firsthand the legislative process and perhaps one day become involved in state government; and

WHEREAS, The state has designated the second Sunday in October to commemorate the CHILDREN of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all citizens of Washington to celebrate CHILDREN on Children's Day and throughout the year by spending more quality time with CHILDREN and emphasizing their special place in our lives and in our shared futures.

Representative Ormsby moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4677 was adopted.

Jasmine Renee Coates sang "At Last". Jasmine is the granddaughter of House Photographer LeMoyne Coates.

MESSAGE FROM THE SENATE

January 16, 2004

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4412,
HOUSE CONCURRENT RESOLUTION NO. 4413,
HOUSE CONCURRENT RESOLUTION NO. 4414,
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

INTRODUCTION & FIRST READING

HB 2619 by Representatives Sump, Pearson, McMorris, Kristiansen, Eickmeyer, Schoesler and Roach

AN ACT Relating to small scale prospecting and mining; amending RCW 79.14.315; adding a new section to chapter 79.90 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2620 by Representatives Sump, Grant, Pearson, McMorris, Kristiansen, Eickmeyer and Holmquist

AN ACT Relating to livestock brands; amending RCW 16.57.020 and 16.57.080; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2621 by Representatives Blake, Orcutt, Hatfield and Flannigan

AN ACT Relating to personal use licenses for shellfish harvest; and amending RCW 77.32.520.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2623 by Representatives Conway, Condotta, Kenney, Simpson, G. and Wood; by request of Department of Labor & Industries

AN ACT Relating to providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account; and amending RCW 39.12.070 and 39.12.080.

Referred to Committee on Commerce & Labor.

HB 2624 by Representatives Wood and Condotta; by request of Department of Labor & Industries

AN ACT Relating to providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work; amending RCW 70.87.240; adding a new section to chapter 70.87 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2625 by Representatives McCoy, Conway, Kessler, Condotta and Kenney; by request of Department of Labor & Industries

AN ACT Relating to retaining fees for mobile/manufactured homes and factory built housing and commercial structures; amending RCW 43.22.434; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2626 by Representatives Hatfield, Pearson, Blake and Sump; by request of Department of Fish and Wildlife

AN ACT Relating to the department of fish and wildlife's authority to allocate certain moneys; and amending RCW 77.12.177.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2627 by Representatives Lantz, Carrell and Rockefeller; by request of Administrative Office of the Courts

AN ACT Relating to estimating the need for judicial positions; and amending RCW 2.56.030.

Referred to Committee on Judiciary.

HB 2628 by Representatives Kagi, Boldt, Dickerson, Delvin, Darneille, Pettigrew and Carrell

AN ACT Relating to public access to child in need of services and at-risk youth hearings; and amending RCW 13.32A.200.

Referred to Committee on Juvenile Justice & Family Law.

HB 2629 by Representatives Kagi, Boldt, Dickerson, Delvin, Darneille, Pettigrew and Carrell

AN ACT Relating to requiring release of court hearing information; and amending RCW 13.50.100 and 13.34.105.

Referred to Committee on Juvenile Justice & Family Law.

HB 2630 by Representatives Anderson, Armstrong, Benson and Tom

AN ACT Relating to the public oversight and fiduciary accountability of the state investment board; amending RCW 43.33A.020, 43.33A.025, 43.33A.035, 43.33A.060, 43.33A.070, 43.33A.090, 43.33A.100, 43.33A.120, 43.33A.140, 43.33A.150, 43.33A.160, 43.33A.180, and 43.33A.200; reenacting and amending RCW 42.17.310 and 42.17.310; adding new sections to chapter 43.33A RCW; creating new sections; repealing RCW 43.33A.210; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 2631 by Representatives Schoesler and Cox

AN ACT Relating to the distribution of receipts from the privilege tax imposed on public utility districts operating facilities for the generation, distribution, and sale of electric energy; amending RCW 54.28.010; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2632 by Representatives Clibborn, Nixon, Wallace, Edwards, Hunter, Lovick, Moeller, Uptegrove, Kagi and Hudgins

AN ACT Relating to allowing special meetings to be called through electronic mail notice; and amending RCW 42.30.080.

Referred to Committee on State Government.

HB 2633 by Representatives Clibborn, Wallace, Edwards, Lovick, Morrell, Moeller and Simpson, G.

AN ACT Relating to spinal cord research; amending RCW 46.63.110; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2634 by Representatives Upthegrove and Chase

AN ACT Relating to attorneys serving as guardians ad litem; amending RCW 2.08.185; and creating a new section.

Referred to Committee on Judiciary.

HB 2635 by Representatives Pettigrew, Skinner, Jarrett, Clibborn, McDonald, Veloria, Anderson, Chase, Morrell and Rockefeller

AN ACT Relating to port districts; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Trade & Economic Development.

HB 2636 by Representatives Edwards, Skinner, Cody, Morrell, Chase and Darneille

AN ACT Relating to openness and due process for residents in boarding homes; amending RCW 18.20.110, 18.20.120, 18.20.125, and 18.20.195; and declaring an emergency.

Referred to Committee on Health Care.

HB 2637 by Representatives Edwards and Skinner

AN ACT Relating to standards and protection of residents in boarding homes and adult family homes; amending RCW 18.20.020, 18.20.050, 18.20.125, 18.20.190, 70.128.060, and 70.128.160; reenacting and amending RCW 70.128.010; and declaring an emergency.

Referred to Committee on Health Care.

HB 2638 by Representatives Schoesler, Cox and Sump

AN ACT Relating to the situs of local retail sales and use taxes on motor vehicles; amending RCW 82.14.020; adding a new section to chapter 82.14 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2639 by Representatives Cooper, Jarrett, Murray and Shabro

AN ACT Relating to unlawful bus conduct; and amending RCW 9.91.025 and 46.04.355.

Referred to Committee on Transportation.

HB 2640 by Representatives Bailey, Sehlin, Miloscia, Roach, Boldt, Tom, Talcott, Mielke, McMahan, Holmquist and Schindler

AN ACT Relating to teachers' retirement system plan 1 postretirement employment; and amending RCW 41.32.010 and 41.32.570.

Referred to Committee on Appropriations.

HB 2641 by Representatives Rockefeller, Eickmeyer, Woods, Lantz, Haigh, Bailey, Kenney and Edwards

AN ACT Relating to conduct aboard Washington State Ferries; adding a new section to chapter 47.60 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2642 by Representatives Benson, Ahern, Mielke and Edwards

AN ACT Relating to driving or physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 46.61.502, 46.61.504, 46.61.5055, 46.61.5151, 9.94A.640, 9.94A.030, 9.94A.525, and 9.94A.650; reenacting and amending RCW 9.94A.515; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2643 by Representatives Schual-Berke and Benson; by request of Department of Financial Institutions

AN ACT Relating to necessary information for licensing actions by the department of financial institutions; and adding a new section to chapter 43.320 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2644 by Representatives O'Brien, Lantz, Cody and Kenney

AN ACT Relating to drunk driving courts; adding a new section to chapter 3.02 RCW; and adding a new section to chapter 35.20 RCW.

Referred to Committee on Judiciary.

HB 2645 by Representatives O'Brien, Lovick, Pearson, Delvin and Simpson, D.

AN ACT Relating to municipal indecent exposure and lewd conduct convictions; amending RCW 9A.88.010 and 9A.88.010; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2646 by Representatives Miloscia, Haigh, McDermott, Chase and Kagi

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

Referred to Committee on State Government.

HB 2647 by Representatives Miloscia, Haigh, McDermott, Wallace, Chase, Linville and Rockefeller

AN ACT Relating to the Washington quality award council; and amending RCW 43.06.335.

Referred to Committee on State Government.

HB 2648 by Representative Murray; by request of County Road Administration Board

AN ACT Relating to county road construction projects reporting requirements; and amending RCW 36.77.065 and 36.81.130.

Referred to Committee on Transportation.

HB 2649 by Representative Murray; by request of County Road Administration Board

AN ACT Relating to the population thresholds for membership of the county road administration board; and amending RCW 36.78.040.

Referred to Committee on Transportation.

HB 2650 by Representatives Linville, Flannigan, Cooper, Priest, Quall, Jarrett, Kessler, Tom, Rockefeller, Dunshee, Grant, Romero, Moeller, McDermott, O'Brien, Chase, Upthegrove, Hunt, Simpson, G., Kenney, Wallace, Wood and Kagi

AN ACT Relating to important bird areas; amending RCW 79.70.020 and 79.70.080; adding a new section to chapter 79.70 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2651 by Representatives Sullivan, Anderson, Lovick, Jarrett, Simpson, D., Grant and Wallace

AN ACT Relating to increasing the penalty for intercepting, recording, or divulging private communications in executive sessions; amending RCW 9.73.080; reenacting and amending RCW 9.94A.515; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2652 by Representatives O'Brien, Ahern, Kagi, Darneille, Simpson, G., Campbell and Lovick

AN ACT Relating to making persons convicted of felony hit and run ineligible for fifty percent earned release credits; amending RCW 9.94A.728; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2653 by Representatives Upthegrove, Simpson, G., Romero, Schual-Berke, Hunt, Nixon, McDermott, Priest and Chase

AN ACT Relating to exempting the use of certain water storage facilities, with a capacity not exceeding ten thousand gallons, from the water code permitting requirements; and amending RCW 90.03.250 and 90.03.370.

Referred to Committee on Agriculture & Natural Resources.

HB 2654 by Representatives Santos, Cody, Kagi, Chase, Kenney, McIntire, Schual-Berke and McDermott

AN ACT Relating to tax expenditure reports; and amending RCW 43.06.400 and 43.88.030.

Referred to Committee on Finance.

HB 2655 by Representatives Morris and Quall

AN ACT Relating to radiology assistants; amending RCW 18.84.010, 18.84.020, and 18.84.030; and adding a new section to chapter 18.84 RCW.

Referred to Committee on Health Care.

HB 2656 by Representatives Conway, McMorris and McIntire

AN ACT Relating to financing practices of motor vehicle dealers; and amending RCW 46.70.180.

Referred to Committee on Commerce & Labor.

HB 2657 by Representatives Morrell and McDonald

AN ACT Relating to security guards; amending RCW 18.170.010 and 18.170.100; and adding a new section to chapter 18.170 RCW.

Referred to Committee on Commerce & Labor.

HB 2658 by Representatives Anderson, McCoy, Cairnes, O'Brien, Carrell and Roach

AN ACT Relating to providing excise tax credits for compliance with regulatory requirements; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 2659 by Representatives Cairnes, McCoy, Carrell, Blake, O'Brien, Upthegrove and Lantz

AN ACT Relating to general license fees; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Finance.

HB 2660 by Representatives Simpson, G., Carrell, McMahan, Lovick, Kenney and Wallace; by request of Office of the Lieutenant Governor

AN ACT Relating to alcohol-related offenses; amending RCW 10.05.140, 46.20.311, 46.20.342, 46.20.380, 46.20.394, 46.20.400, 46.20.410, 46.20.720, 46.20.740, 46.61.5055, 46.63.020, 46.68.041, and 46.68.260; and reenacting and amending RCW 46.20.3101 and 46.20.391.

Referred to Committee on Judiciary.

HB 2661 by Representatives Simpson, G., Newhouse, Anderson, Chase and Miloscia

AN ACT Relating to a web site for information on fugitives; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2662 by Representatives Hudgins, Jarrett, Murray, Sommers, Morris, Santos, Sullivan, Wood, Pettigrew, Kenney, Romero, Chase and Edwards

AN ACT Relating to transportation system signage using icons and pictograms; adding a new section to chapter 47.06 RCW; adding a new section to chapter 35.95A RCW; adding a new section to chapter 81.112 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2663 by Representatives Haigh, Armstrong, McCoy, Holmquist, O'Brien, Boldt, Morrell, Jarrett, Wallace, Delvin, Moeller, Priest, Darneille, Conway, Simpson, D., Kagi, Hunter, Clements, Wood, Sullivan, Dickerson, Simpson, G., Hunt, Skinner, Cody, Ormsby, Chase, Hankins, Pettigrew, Kenney, Tom, Nixon, Kessler, Miloscia, Linville, Romero, Roach and Hudgins

AN ACT Relating to use of respectful language in the Revised Code of Washington and the Washington Administrative Code; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2664 by Representatives Conway, Delvin, Simpson, G., O'Brien, Cooper, Dunshee, Ormsby, Chase, Morrell, McIntire, Miloscia, Wood, Lovick and Kirby

AN ACT Relating to allowing the state patrol to bargain for rates of pay and wage levels; and amending RCW 41.56.473.

Referred to Committee on Commerce & Labor.

HB 2665 by Representatives Moeller, Jarrett, Ruderman, Santos, Chase, Upthegrove, Darneille, Cody, Clibborn, Lovick, Murray, McDermott, Hunt, Simpson, G., Kenney, McIntire, Romero, Edwards, Kagi and Schual-Berke

AN ACT Relating to eligibility of domestic partners under the senior citizen property tax exemption program; amending RCW 84.36.381, 84.36.383, and 84.36.387; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2666 by Representatives Moeller, Santos, Upthegrove, Chase, Hudgins and Wood

AN ACT Relating to eliminating the tax exemption for initiation fees and dues paid to persons providing amusement and recreation services, physical fitness services, and lodging and related services; amending RCW 82.08.010 and 82.04.4282; and providing an effective date.

Referred to Committee on Finance.

HB 2667 by Representatives Moeller, Santos, Upthegrove, Chase, Hudgins, Lovick, Morrell, Simpson, G., Anderson, Miloscia and Kagi

AN ACT Relating to electronic filing for lobbyists; amending RCW 42.17.369 and 42.17.3691; and creating a new section.

Referred to Committee on State Government.

HB 2668 by Representatives Moeller, Santos, Dickerson, Darneille, Chase, Kagi, Clibborn, Simpson, G., Lovick, Morrell, Kenney, Romero and Conway

AN ACT Relating to good cause for voluntarily leaving work; amending RCW 50.20.050, 50.20.100, 50.20.240, and 50.29.020; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2669 by Representatives Moeller, Jarrett, Santos, Cox, Upthegrove, Newhouse, Chase, Lovick, Clibborn, Morrell, Wallace, Nixon, Wood, Kagi and McDermott

AN ACT Relating to establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices; amending RCW 29A.52.220, 29A.60.160, and 29A.60.190; adding a new chapter to Title 29A RCW; creating new sections; and providing expiration dates.

Referred to Committee on Local Government.

HB 2670 by Representatives Moeller, Sullivan, Morrell, Hinkle, Chase, McCoy, Cox, Clibborn, Condotta, Lovick, Simpson, G., Linville and Rockefeller

AN ACT Relating to veterans' relief; amending RCW 73.04.080, 73.08.010, 73.08.050, 73.08.070, and 73.08.080; adding new sections to chapter 73.08 RCW; creating a new section; and repealing RCW 73.08.030, 73.08.040, and 73.08.060.

Referred to Committee on Local Government.

HB 2671 by Representatives Moeller and Chase

AN ACT Relating to clarifying the current law for possession of firearms; amending RCW 9.41.040, 9.92.066, 9.94A.637, 9.94A.640, 9.95.240, 9.96.050, and 9.96.060; adding a new section to chapter 9.41 RCW; and providing an effective date.

Referred to Committee on Judiciary.

HB 2672 by Representatives Moeller, Santos, Cox, Chase, Condotta and Lovick

AN ACT Relating to local fireworks ordinances; and amending RCW 70.77.250.

Referred to Committee on Commerce & Labor.

HB 2673 by Representative Moeller

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

Referred to Committee on Finance.

HB 2674 by Representatives Ruderman, McDonald, Kenney, Nixon, Kagi, Pettigrew, Eickmeyer, Jarrett, Hunter, Santos, Simpson, G., Morrell, Kessler, Miloscia and Edwards

AN ACT Relating to self-employment assistance; and adding a new chapter to Title 50 RCW.

Referred to Committee on Commerce & Labor.

HB 2675 by Representatives McMorris, Morris, Bush and Crouse

AN ACT Relating to electric utility tax credits; amending RCW 82.16.0491; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2676 by Representatives Kenney, Shabro, Dickerson, Morrell, Chase, Romero, Kagi and Lovick

AN ACT Relating to education programs for teachers of the deaf and hard of hearing; and adding new sections to Title 28B RCW.

Referred to Committee on Higher Education.

HB 2677 by Representatives Schindler, Crouse and Mielke

AN ACT Relating to public facilities district boards of directors in counties in which the largest city has at least forty percent of the population and the second largest city has at least fifteen percent of the population; amending RCW 36.100.020; and providing an effective date.

Referred to Committee on Trade & Economic Development.

HB 2678 by Representatives Ahern, Mielke, Boldt, McMahan, Kristiansen, Nixon and Roach

AN ACT Relating to transfer students; amending RCW 28A.225.225; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 2679 by Representatives Tom, Fromhold, McMorris, Jarrett, Hunter, Talcott and Haigh

AN ACT Relating to school directors' associations; and amending RCW 28A.345.020.

Referred to Committee on Education.

HB 2680 by Representatives Cody, Bailey, Schual-Berke, Simpson, G., Anderson, Morrell, Kenney, Wallace, Rockefeller and Edwards; by request of Superintendent of Public Instruction

AN ACT Relating to a model policy for nutrition and physical activity for public schools; adding a new section to chapter 43.70 RCW; adding a new section to chapter 28A.320 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 2681 by Representatives Kenney, Cox, Fromhold, Priest, Morrell, Jarrett, Anderson, O'Brien, McIntire, Rockefeller, Edwards and Haigh; by request of Governor Locke

AN ACT Relating to performance contracts with institutions of higher education; adding a new chapter to Title 28B RCW; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2682 by Representatives Schoesler, Skinner, Hankins, Clements and Quall

AN ACT Relating to water pollution control; and amending RCW 90.48.010 and 90.48.080.

Referred to Committee on Agriculture & Natural Resources.

HB 2683 by Representatives Haigh, Armstrong and Linville; by request of Governor Locke

AN ACT Relating to providing notice of potential administrative rule actions; and amending RCW 34.05.310, 34.05.320, 34.05.230, and 34.05.353.

Referred to Committee on State Government.

HB 2684 by Representatives Linville, Schoesler, Orcutt and Eickmeyer

AN ACT Relating to defining timber land to include certain incidental uses; and amending RCW 84.34.020.

Referred to Committee on Agriculture & Natural Resources.

HB 2685 by Representatives Hudgins, McMorris, Conway and Kenney; by request of Liquor Control Board

AN ACT Relating to acceptable forms of identification for liquor sales; and amending RCW 66.16.040.

Referred to Committee on Commerce & Labor.

HB 2686 by Representatives Hudgins, Condotta and Conway; by request of Liquor Control Board

AN ACT Relating to inspection of books, documents, and records pertaining to the transportation or possession of cigarettes; amending RCW 82.24.110; reenacting and amending RCW 82.24.130; adding a new section to chapter 82.24 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2687 by Representatives McDermott, Hunt, Cody and Romero

AN ACT Relating to an open primary; amending RCW 29A.04.085, 29A.12.100, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.200, 29A.24.100, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.240, 29A.36.100, 29A.36.130, 29A.36.190, 29A.36.200, 29A.40.090, 29A.52.310, 29A.80.060, 29A.04.610, and 42.17.020; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.04.903; and declaring an emergency.

Referred to Committee on State Government.

HB 2688 by Representative Wood; by request of Lottery Commission

AN ACT Relating to criminal history background checks by the state lottery; and amending RCW 67.70.060.

Referred to Committee on Commerce & Labor.

HB 2689 by Representatives Eickmeyer, Buck, Miloscia, Schoesler, Hatfield, Armstrong, Haigh, Skinner, Kessler, Orcutt, Grant, Pearson, Ruderman, Campbell, Blake, Fromhold, Kenney, Woods, Linville and Rockefeller; by request of Governor Locke

AN ACT Relating to extending tax incentives in rural counties expiring in 2003 or 2004; amending RCW 82.60.040 and 82.60.050; adding new sections to chapter 82.04 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 2690 by Representatives Eickmeyer, Sehlin, Haigh, Armstrong, Linville and Rockefeller

AN ACT Relating to marina lease rates; amending RCW 79.90.480; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2691 by Representatives Eickmeyer, Armstrong, Haigh, Bush, Sehlin, Benson, Ruderman, Skinner, McDermott, Simpson, G., Chase, Morrell, Campbell, Kessler, Woods, Linville, Edwards and Roach

AN ACT Relating to a business and occupation tax exemption for qualifying small businesses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Trade & Economic Development.

HB 2692 by Representatives Quall, Talcott, McDermott, Tom, Rockefeller, Anderson, Haigh, Santos, Eickmeyer, Upthegrove, Hunt, Linville, Simpson, G., Edwards, Hunter, Wallace and Wood

AN ACT Relating to promoting environmental education partnerships and strategic planning; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2693 by Representatives Hinkle, McIntire, Cairnes, Fromhold and Holmquist

AN ACT Relating to the taxation of timber on publicly owned land; amending RCW 84.33.051 and 84.33.040; creating a new section; repealing RCW 84.33.078; and providing an effective date.

Referred to Committee on Finance.

HB 2694 by Representatives Santos, Jarrett, Morrell, McDonald, McIntire, Kenney, Chase, Edwards and Darneille

AN ACT Relating to revising distribution of funds for operating and maintenance of very low-income housing projects; and amending RCW 36.22.178 and 18.85.540.

Referred to Committee on Local Government.

HB 2695 by Representatives Hatfield, Kessler, Grant, Hankins, Campbell, Armstrong and Kirby; by request of Secretary of State

AN ACT Relating to the modified blanket primary; amending RCW 29A.36.170, 29A.24.030, 29A.20.020, 29A.52.110, 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.100, 29A.36.200, 29A.52.010, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.84.710, and 42.17.020; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.24 RCW; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.28 RCW; creating new sections; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, and 29A.36.190; providing a contingent effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 2696 by Representatives Simpson, D., Pearson, Cooper, Sump, Upthegrove and Chase

AN ACT Relating to the Washington state parks centennial; adding a new chapter to Title 79A RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2697 by Representatives Lantz, Newhouse, Rockefeller, Carrell and Lovick

AN ACT Relating to guardianship fees and compensation in superior courts; and amending RCW 11.92.180.

Referred to Committee on Judiciary.

HB 2698 by Representative Rockefeller

AN ACT Relating to creating a public body right to retained funds under public improvement contracts; and amending RCW 60.28.010, 60.28.011, and 60.28.040.

Referred to Committee on State Government.

HB 2699 by Representatives Rockefeller, Kagi and Schual-Berke

AN ACT Relating to HIV status of children in foster care; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 2700 by Representatives Kenney, Cox, Fromhold, Priest, Santos, Jarrett, Chase, Campbell, Upthegrove, McIntire, Kessler, McCoy, Edwards, Haigh, Wood, Simpson, G., Schual-Berke, Conway, Hudgins and McDermott; by request of Governor Locke

AN ACT Relating to bringing state law into conformity with 2003 United States supreme court affirmative action decisions; amending RCW 49.60.400; and creating a new section.

Referred to Committee on Higher Education.

HJM 4032 by Representatives Eickmeyer, Skinner, Pettigrew, Chase, McDonald, Kristiansen, McCoy, Wallace, Priest, Condotta, Blake, Clements, Conway, Anderson, Edwards, Morrell, Campbell, Upthegrove, Kenney, Kessler and Wood

Urging Congress to fully restore funding for the manufacturing extension partnership program.

Referred to Committee on Trade & Economic Development.

HJR 4214 by Representatives McDonald, Armstrong, Bush, Hankins, Campbell and Haigh

Electing the house of representatives for four-year terms.

Referred to Committee on State Government.

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

REPORTS OF STANDING COMMITTEES

January 15, 2004

EHB 1369 Prime Sponsor, Representative Romero: Requiring continuing education for land surveyors.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris,

Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 15, 2004

HB 1862 Prime Sponsor, Representative Ruderman: Regulating naturopathic physicians. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Benson; Clibborn; Darneille; Edwards; Moeller and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander.

Referred to Committee on Appropriations.

January 16, 2004

HB 2447 Prime Sponsor, Representative Sullivan: Providing tax incentives for alternative fuels. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Hudgins; Kirby; McMorris; Romero; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Delvin and McMahan.

Referred to Committee on Finance.

January 15, 2004

HJM 4031 Prime Sponsor, Representative Conway: Urging extension of temporary extended unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

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

There being no objection, the Rules Committee was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989 and the bill was placed on the Third Reading calendar.

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2044, and the bill was placed on the second reading calendar.

The Speaker assumed the chair.

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

THIRD READING

HOUSE JOINT RESOLUTION NO. 4204, By Representatives Haigh, Armstrong, Hunter, Hunt, Tom, McDermott, Wallace, Rockefeller, Fromhold, Eickmeyer, Miloscia, Talcott,

Lantz, Schual-Berke, Ruderman, Pettigrew, Wood, Upthegrove, Hudgins, Morrell, Simpson, G., Darneille and Chase

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Representative Chandler moved that the rules be suspended and HOUSE JOINT RESOLUTION NO. 4204 be returned to second reading for purpose of amendment.

Representative Chandler spoke in favor of the motion.

Representative Kessler spoke against the motion.

The Speaker stated the question before the House to be the motion to suspend the rules and return House Joint Resolution No. 4204 to second reading for purpose of amendment.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and return House Joint Resolution No. 4204 to second reading for purpose of amendment, and the motion failed the House by the following vote: Yeas - 45, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom, and Woods - 45.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood, and Mr. Speaker - 52.

Representatives Haigh, Quall, Kenney, Rockefeller, Hunter, Jarrett and Schual-Berke spoke in favor of passage of the joint resolution.

Representatives Orcutt, Sehlin, McMahan, Nixon, Mastin and Anderson spoke against the of passage of the joint resolution.

The Speaker stated the question before the House to be the final passage of House Joint Resolution No. 4204.

ROLL CALL

The Clerk called the roll on the adoption of House Joint Resolution No. 4204 and the resolution was passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Blake, Boldt, Cairnes, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Benson, Buck, Bush, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro and Sump - 29.

HOUSE JOINT RESOLUTION NO. 4204, having received the two-thirds constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., January 20, 2004, the 9th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

EIGHTH DAY, JANUARY 19, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

NINTH DAY

House Chamber, Olympia, Tuesday, January 20, 2004

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

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

MESSAGE FROM THE SENATE

January 19, 2004

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5034,
ENGROSSED SENATE BILL NO. 5257,
SUBSTITUTE SENATE BILL NO. 5733,
SENATE CONCURRENT RESOLUTION NO. 8420,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

INTRODUCTION & FIRST READING

HB 2701 by Representatives Lovick, Delvin, O'Brien and Buck

AN ACT Relating to weapons in commercial service airports; and amending RCW 9.41.300.

Referred to Committee on Judiciary.

HB 2702 by Representatives Morris, Crouse, Wallace, Sullivan, Nixon, Romero, Blake, Tom, Ruderman, Moeller, Chase, Rockefeller, Upthegrove, Wood and Kagi

AN ACT Relating to the purchase of state motor pool vehicles; and amending RCW 43.19.570.

Referred to Committee on State Government.

HB 2703 by Representatives Armstrong, Cooper, Delvin and Blake

AN ACT Relating to increasing the minimum amount for bid requirements for materials or work for joint operating agencies; and amending RCW 43.52.560.

Referred to Committee on State Government.

HB 2704 by Representatives Talcott, Haigh, Tom, Kenney, Anderson, Nixon, Carrell, Boldt, Kirby, Benson, Hunter, Jarrett, Priest, Skinner, Upthegrove, Shabro, Miloscia, Quall, Buck, Ruderman, Moeller, Rockefeller and Kagi

AN ACT Relating to alternative learning experience programs; and amending RCW 28A.150.305.

Referred to Committee on Education.

HB 2705 by Representatives Dunshee, Alexander, Lovick, Armstrong, Wallace, Miloscia, Jarrett, Murray, Hankins, Schual-Berke, Boldt, O'Brien, Newhouse, Eickmeyer, Orcutt, Hunt, Kagi, Simpson, G., Clibborn, Grant, Sehlin, Pearson, Tom, Moeller, Romero, Nixon, Anderson, Talcott, Conway, Kenney, Upthegrove, Morrell and Wood

AN ACT Relating to the developmental disabilities community trust account; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 71A.20 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2706 by Representatives Hudgins, McDermott, Moeller, Chase, Flannigan, Hunt, Kirby and Kagi

AN ACT Relating to voter registration procedures; amending RCW 29A.08.145, 29A.08.210, 29A.08.430, and 29A.84.130; and prescribing penalties.

Referred to Committee on State Government.

HB 2707 by Representatives Kenney, Priest, Sommers, Jarrett, McCoy, Chase and Hudgins

AN ACT Relating to higher education branch campuses; amending RCW 28B.45.020, 28B.45.030, 28B.45.040, 28B.45.050, and 28B.80.510; adding new sections to chapter 28B.45 RCW; recodifying RCW 28B.80.510; and repealing RCW 28B.45.070, 28B.80.500, and 28B.80.520.

Referred to Committee on Higher Education.

HB 2708 by Representatives Ormsby, Kenney, Cox, Fromhold, Moeller, Dickerson, Chase, Lantz, Morrell, Wood, Hudgins and Kagi

AN ACT Relating to conditional scholarships for prospective teachers; and adding a new section to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

HB 2709 by Representatives Kagi and Moeller

AN ACT Relating to the licensing of counselors doing vocational evaluations or rehabilitation counseling; and amending RCW 18.225.010, 18.225.020, 18.225.030, 18.225.060, 18.225.070, and 18.225.090.

Referred to Committee on Health Care.

HB 2710 by Representatives Kagi, Chase, Cooper, Morris, Sullivan, Linville, McIntire and Rockefeller

AN ACT Relating to regulation of underwater noise; and amending RCW 90.58.550.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2711 by Representatives Kenney, Morrell, Cody, McIntire, Chase and Conway

AN ACT Relating to funding a central resource center for the nursing work force; adding a new section to chapter 18.79 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2712 by Representatives Morrell, Cody, Darneille, Moeller, Clibborn, McIntire, Chase and Conway

AN ACT Relating to a task force on nurses' work environment and patient safety; creating new sections; and providing an expiration date.

Referred to Committee on Health Care.

HB 2713 by Representatives McMahan, Simpson, G., Cairnes, Talcott, McDonald, Carrell, Condotta, Hinkle, Roach, Pearson, Campbell, Woods and Morrell

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

Referred to Committee on Finance.

HB 2714 by Representatives Edwards, Mielke, Clibborn, Lovick, Flannigan, Chase, Jarrett, Cody, Haigh, Wood, Skinner, McIntire, Rockefeller and Kagi

AN ACT Relating to driver fitness and certification; amending RCW 70.02.050; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2715 by Representatives Schual-Berke, Benson, Tom, Moeller, McIntire and Chase

AN ACT Relating to providing the option of keeping landlord trust account funds in a credit union; and amending RCW 59.18.270.

Referred to Committee on Financial Institutions & Insurance.

HB 2716 by Representatives Simpson, D., Sullivan, Campbell, Simpson, G. and Kirby

AN ACT Relating to attempting to elude a pursuing police vehicle; reenacting and amending RCW 9.94A.515; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2717 by Representatives Sullivan, Simpson, G., Nixon, Anderson and Chase

AN ACT Relating to government accountability; adding new sections to chapter 43.09 RCW; creating a new section; and making an appropriation.

Referred to Committee on State Government.

HB 2718 by Representatives Sullivan, Simpson, G., Kirby, Schual-Berke, Chase, Darneille, Lantz, Conway, Kenney, Morrell, Hudgins and Kagi

AN ACT Relating to preventing acts of fraud against elderly persons and vulnerable adults; amending RCW 9.94A.030, 19.86.010, 19.86.080, and 19.86.090; adding a new section to chapter 7.68 RCW; adding a new section to chapter 9A.60 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2719 by Representatives Cooper, Sump, Moeller and Chase

AN ACT Relating to extending the date for ballast water discharge implementation; and amending RCW 77.120.030.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2720 by Representatives Kenney, McCoy, Pearson, Dunshee, Schual-Berke, Cooper, Kristiansen, Chase and Morrell; by request of State Board of Education

AN ACT Relating to school district superintendent credential preparation programs; and amending RCW 28B.10.140.

Referred to Committee on Higher Education.

HB 2721 by Representatives Anderson, Morris, Sullivan and Priest

AN ACT Relating to establishing uniform administrative districts for certain state agencies and educational service districts; amending RCW 43.88C.020, 43.88.094, 82.33.020, and 44.48.070; adding new sections to chapter 43.17 RCW; adding new sections to chapter 28A.310 RCW; adding a new section to chapter 44.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government.

HB 2722 by Representatives Grant and Mastin

AN ACT Relating to the excise taxation of self-service laundry facilities; amending RCW 82.04.050; adding a new section to chapter 82.08 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2723 by Representatives Morris, Carrell, Kirby, Wood, Benson, Darneille, Pearson, O'Brien and Anderson

AN ACT Relating to prohibiting unauthorized operation of a recording device in a motion picture exhibition facility; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2724 by Representatives Kagi, Cairnes, Orcutt, Santos, McDonald, O'Brien, Hankins, Conway, Roach, McIntire, Lovick, Campbell, Simpson, G., Talcott, Clibborn and Morrell

AN ACT Relating to a tax exemption for persons under contract for services for developmentally disabled persons; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 2725 by Representatives Hunt and McDermott

AN ACT Relating to party caucuses; amending RCW 29A.04.127, 29A.04.157, 29A.04.310, 29A.04.420, 29A.04.570, 29A.08.605, 29A.16.040, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.200, 29A.24.030, 29A.24.080, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.020, 29A.28.040, 29A.28.050, 29A.28.060, 29A.36.010, 29A.36.100, 29A.36.120, 29A.36.130, 29A.36.190, 29A.36.200, 29A.44.020, 29A.44.130, 29A.48.030, 29A.52.010, 29A.52.310, 29A.52.320, 29A.60.020, 29A.60.190, 29A.60.220, 29A.60.240, 29A.64.010, and 29A.80.010; adding new sections to chapter 29A.52 RCW; creating a new section; repealing RCW 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.04.903; and declaring an emergency.

Referred to Committee on State Government.

HB 2726 by Representatives Simpson, D., Benson, Schual-Berke and Rockefeller; by request of Insurance Commissioner

AN ACT Relating to exempting certain insurance policy forms from filing requirements; and amending RCW 48.18.100 and 48.18.103.

Referred to Committee on Financial Institutions & Insurance.

HB 2727 by Representatives Simpson, D., Benson and Schual-Berke; by request of Insurance Commissioner

AN ACT Relating to requiring all insurers to file credit based rating plans; and amending RCW 48.19.035.

Referred to Committee on Financial Institutions & Insurance.

HB 2728 by Representatives Simpson, D., Benson and Schual-Berke; by request of Insurance Commissioner

AN ACT Relating to insurance; amending RCW 48.02.180, 48.05.340, 48.11.100, 48.11.140, 48.18.430, 48.21.047, 48.23.010, 48.24.030, 48.29.010, 48.29.020, 48.29.120, 48.29.130, 48.29.170, 48.30.300, 48.30A.045, 48.30A.060, 48.30A.065, 48.31.100, 48.38.030, 48.44.240, 48.66.020, 48.66.055, 48.92.120, and 48.98.015; adding a new section to chapter 48.66 RCW; and repealing RCW 48.05.360, 48.29.030, 48.29.060, 48.29.070, 48.29.090, 48.29.100, 48.29.110, and 48.34.910.

Referred to Committee on Financial Institutions & Insurance.

HB 2729 by Representatives Linville, Haigh, Hunt and Chase

AN ACT Relating to water well construction; amending RCW 18.104.100, 18.104.120, 18.104.180, and 18.104.190; adding a new section to chapter 18.104 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 2730 by Representatives Clibborn, Ericksen, Moeller, Schindler, Morris, Ahern, Fromhold, Mielke, Quall and Talcott

AN ACT Relating to impact fees for residential construction; adding a new section to chapter 82.02 RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

HB 2731 by Representatives Eickmeyer, Kristiansen, Blake, Schoesler, Buck, Quall, Grant, Orcutt, Cox, Roach, Pearson and Woods

AN ACT Relating to conditioning storm water general discharge permits; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2732 by Representatives Tom, Morris, Ruderman, Sullivan, Nixon, Crouse, Clements, Hudgins, Pearson, Jarrett and Wood

AN ACT Relating to tax deferrals for wood biomass fuel investment projects; amending RCW 82.69.010, 82.69.030, 82.04.4335, 82.08.960, and 82.12.960; reenacting and amending RCW 82.04.260 and 82.04.260; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 82.69.040; providing an effective date; and providing contingent expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2733 by Representatives Cooper, Hunt, Nixon, McDermott, Jarrett, Wallace, Romero, McCoy, Simpson, G., Clibborn, Dickerson, Upthegrove, Rockefeller, Dunshee, Miloscia, O'Brien, Murray, Quall, Ruderman, Sullivan, Moeller, Chase and Kagi

AN ACT Relating to the enhancement and stabilization in perpetuity of state forest land revenue through the strategic marketing of wood products; amending RCW 79.10.320; adding a new section to chapter 79.10 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2734 by Representatives Schual-Berke, Benson and Roach; by request of Department of Financial Institutions

AN ACT Relating to the mortgage broker practices act; amending RCW 19.146.020, 19.146.0201, 19.146.030, 19.146.200, 19.146.210, and 19.146.235; reenacting and amending RCW 19.146.220; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2735 by Representatives Ormsby, Skinner, Veloria, Moeller, Conway and Kenney; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to clarifying the authority of the community economic revitalization board to make loans and grants to eligible federally recognized Indian tribes in rural counties and rural natural resources impact areas eligible for assistance under the rural program; amending RCW 43.160.020 and 43.160.200; and reenacting and amending RCW 43.160.060.

Referred to Committee on Trade & Economic Development.

HB 2736 by Representatives Murray, Simpson, G., Dickerson, Rockefeller and Wood

AN ACT Relating to transportation governance; amending RCW 47.01.041, 43.17.020, 36.79.120, 36.120.020, 43.160.074, 46.44.080, 46.61.450, 47.01.012, 47.01.071, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 47.06.030, 47.06.050, 47.12.242, 47.12.330, 47.24.010, 47.26.170, 47.28.010, 36.79.010, 36.79.130, 46.44.042, 46.44.090, 46.44.092, 46.44.096, 47.02.120, 47.02.140, 47.10.843, 47.10.844, 47.12.200, 47.12.220, 47.17.132, 47.26.440, 47.38.060, 47.46.090, 47.46.120, 47.52.133, 47.52.145, 47.52.210, 47.56.030, 47.56.032, 47.56.070, 47.56.076, 47.56.080, 47.56.110, 47.56.120, 47.56.250, 47.60.013, 47.60.445, 47.60.800, 47.64.011, and 47.64.170; reenacting and amending RCW 43.160.010; adding a new section to chapter 47.01 RCW; creating a new section; and providing effective dates.

Referred to Committee on Transportation.

HB 2737 by Representative Anderson

AN ACT Relating to revising school funding by standardizing levy formulas and salary schedules; amending RCW 28A.400.205, 28A.500.020, 28A.500.030, and 84.52.0531; adding a new section to chapter 84.52 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2738 by Representatives Anderson and Upthegrove

AN ACT Relating to port districts; amending RCW 53.36.020; adding a new section to chapter 53.36 RCW; adding a new section to chapter 77.55 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 43.33A RCW; and adding a new chapter to Title 53 RCW.

Referred to Committee on Local Government.

HB 2739 by Representatives Darneille, Shabro, Lantz, Skinner, Lovick and Moeller

AN ACT Relating to fiscal support for civil indigent legal services, county law libraries, and related justice system activities and creating an office of civil legal services; amending RCW 27.24.070, 36.18.012, 36.18.020, 43.08.250, 43.08.260, and 43.08.270; adding a new chapter to Title 2 RCW; creating a new section; recodifying RCW 43.08.260 and 43.08.270; and providing effective dates.

Referred to Committee on Judiciary.

HB 2740 by Representatives Schual-Berke, Clibborn and Morrell; by request of Insurance Commissioner

AN ACT Relating to a joint underwriting association for persons and entities that provide services to children and vulnerable adults; amending RCW 48.88.010, 48.88.020, 48.88.030, 48.88.040, 48.88.050, and 48.88.070; and adding new sections to chapter 48.88 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2741 by Representatives Miloscia, Armstrong and Upthegrove; by request of Secretary of State

AN ACT Relating to managing digitally archived public records; amending RCW 40.14.020; reenacting and amending RCW 42.17.310 and 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 2742 by Representatives Haigh, Armstrong, McDermott and Miloscia; by request of Secretary of State

AN ACT Relating to reorganization of statutes on elections; amending RCW 29A.04.255, 29A.04.330, 29A.08.320, 29A.08.620, 29A.08.720, 29A.16.040, 29A.20.020, 29A.60.030, 29A.60.080, and 29A.60.190; reenacting and amending RCW 29A.84.240; reenacting RCW 29.04.075, 29.04.260, 29.33.305, 29.79.075, 29A.32.120, 29A.40.070, 29A.48.010, 29A.48.020, and 29A.84.270; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.12 RCW; adding a new section to chapter 29A.72 RCW; recodifying RCW 29.04.075 and 29.04.260, 29.33.305, and 29.79.075; repealing RCW 29.51.215; and providing an effective date.

Referred to Committee on State Government.

HB 2743 by Representatives Haigh, Armstrong, McDermott, Miloscia and Upthegrove; by request of Secretary of State

AN ACT Relating to election-related crimes; amending RCW 29A.84.720, 29A.84.040, 29A.84.110, 29A.84.130, 29A.84.250, 29A.84.310, 29A.84.410, 29A.84.420, 29A.84.510, 29A.84.530, 29A.84.550, 29A.84.560, 29A.84.620, 29A.84.630, 29A.84.640, 29A.84.650, 29A.84.655, 29A.84.660, 29A.84.710, and 29A.84.730; reenacting and amending RCW 29A.84.230 and 29A.84.680; adding new sections to chapter 29A.84 RCW; creating a new section; recodifying RCW 29A.84.720; repealing RCW 29A.84.020, 29A.84.030, 29A.84.120, 29A.84.140, 29A.84.210, 29A.84.220, 29A.84.240, 29A.84.260, 29A.84.270, 29A.84.320, 29A.84.520, 29A.84.540, 29A.84.610, 29A.84.670, and 29A.84.740; prescribing penalties; and providing an effective date.

Referred to Committee on State Government.

HB 2744 by Representatives Miloscia and Armstrong; by request of Secretary of State

AN ACT Relating to elections; amending RCW 29A.08.010, 29A.08.020, 29A.08.030, 29A.08.105, 29A.08.110, 29A.08.115, 29A.08.120, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.155, 29A.08.220, 29A.08.240, 29A.08.250, 29A.08.260, 29A.08.320, 29A.08.350, 29A.08.360, 29A.08.420, 29A.08.430, 29A.08.510, 29A.08.520, 29A.08.540, 29A.08.605, 29A.08.610, 29A.08.620, 29A.08.630, 29A.08.640, 29A.08.710, 29A.08.760, 29A.08.770, 29A.16.010, 29A.16.130, 29A.44.030, 29A.44.040, 29A.44.220, 29A.44.350, 29.33.305, and 29A.04.610; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.04 RCW; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29A.12 RCW; adding a new chapter to Title 29A RCW; creating a new section; repealing RCW 29A.04.181, 29A.08.530, 29A.08.645, 29A.08.650, and 29A.08.750; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

HB 2745 by Representatives Miloscia, Nixon, Simpson, G., Talcott, Rockefeller and Upthegrove; by request of Secretary of State

AN ACT Relating to voting systems; amending RCW 29A.12.020, 29A.12.050, 29A.12.060, 29A.12.070, 29A.12.080, 29A.12.090, 29A.12.100, 29A.12.110, 29A.12.130, 29A.12.150, 29A.44.320, and 29A.60.060; adding a new section to chapter 29A.12 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter

29A.84 RCW; adding a new section to chapter 29A.04 RCW; creating a new section; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2746 by Representative Kirby

AN ACT Relating to prohibiting future licensing of social card games; amending RCW 9.46.070; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2747 by Representatives Ahern, Lovick, Bush, O'Brien, Miloscia, Crouse, Hankins, McDonald, Boldt, Skinner, Sump, Holmquist, Roach, McMahan, Orcutt, Kristiansen, Pearson and Nixon

AN ACT Relating to providing internet software filters in libraries; and adding new sections to chapter 43.07 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2748 by Representatives Ahern, Miloscia, Boldt, McMorris, McMahan, Crouse, Kristiansen, Sump, Benson, Bush, Hinkle, Holmquist, Roach, Schindler, Pearson, Nixon and Talcott

AN ACT Relating to truth in describing sex education; adding new sections to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2749 by Representatives Ahern, Benson, Bush, McDonald, Crouse, Holmquist, Schindler, Roach, Nixon, Pearson and Talcott

AN ACT Relating to the right of a woman to refuse to have an abortion; amending RCW 9.02.110, 9.02.140, and 9.02.160; and creating a new section.

Referred to Committee on Health Care.

HB 2750 by Representative Clements

AN ACT Relating to releasing entities that let contracts for work from liability for certain industrial insurance premiums; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2751 by Representative Clements

AN ACT Relating to facilitation of traffic flow over Snoqualmie Pass; amending RCW 46.61.100; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 2752 by Representatives O'Brien, McCoy, Lovick, Kirby, Kagi and Simpson, D.

AN ACT Relating to forfeited property; and amending RCW 70.105D.020.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2753 by Representatives Linville and Rockefeller

AN ACT Relating to the management of state-owned forest land; amending RCW 79.10.320; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2754 by Representatives Linville and Rockefeller

AN ACT Relating to preventing the sexual abuse of children by custodians; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2755 by Representatives Linville, Talcott, Lantz and Kagi

AN ACT Relating to supported employment for persons with mental illness; reenacting and amending RCW 71.24.035; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Health Care.

HB 2756 by Representatives Linville, Talcott and Lantz

AN ACT Relating to mental health services; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2757 by Representatives Chase, McCoy, Pettigrew, Eickmeyer, Kenney and Morrell

AN ACT Relating to establishing a community mitigation program; and adding new sections to chapter 43.31 RCW.

Referred to Committee on State Government.

HB 2758 by Representatives Chase, Morris, Simpson, G., Morrell and Kagi

AN ACT Relating to providing incentives to support renewable energy; adding a new chapter to Title 80 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2759 by Representatives Murray, Dickerson and Rockefeller

AN ACT Relating to registration of vehicles based on residence; amending RCW 46.16.028, 46.16.040, and 46.20.205; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2760 by Representatives Schual-Berke, McDonald, Cody, Morrell, Tom, Darneille, Santos, Kagi, Benson, Simpson, G., Dickerson, Romero, Chase and Rockefeller

AN ACT Relating to the sale of foods and beverages sold outside the federally funded school meal programs on public school campuses; adding a new section to chapter 28A.235 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2761 by Representatives McCoy, Santos, Quall, Pettigrew, McDermott, Simpson, D., O'Brien, Lovick, Kenney, Haigh, Chase and Veloria

AN ACT Relating to transforming state and local educational systems to meet adequate yearly progress; amending RCW 28A.150.210, 28A.655.060, and 28A.410.210; and creating a new section.

Referred to Committee on Education.

HB 2762 by Representatives Santos, Kagi, Conway, Moeller, Hunt, Cody, Hudgins, Simpson, G., Kirby, Chase, Darneille and Morrell

AN ACT Relating to private business entities supported by state tax preferences; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2763 by Representatives Morrell, Edwards, Schual-Berke, Haigh, Kessler, Cody, Darneille, Simpson, G., Conway and Kenney

AN ACT Relating to improving the delivery of health care services for school-aged children; adding a new section to chapter 28A.210 RCW; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Health Care.

HB 2764 by Representatives Kagi, Dickerson, Moeller, Chase and Kenney

AN ACT Relating to integration of services for deaf and hard of hearing children; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Children & Family Services.

HB 2765 by Representatives Dickerson, Kagi, McDermott, Moeller, Talcott, Chase, Conway, Kenney and Morrell

AN ACT Relating to information and services for children who are deaf or hard of hearing; and adding a new chapter to Title 70 RCW.

Referred to Committee on Children & Family Services.

HB 2766 by Representatives Miloscia, Boldt, Kagi, Wallace, Morrell, Pettigrew, Kenney, Darneille, Nixon, Chase, O'Brien, McDermott, Upthegrove, Linville, Conway, Cody, Anderson, Sump, Clements, Tom, Jarrett, Buck and Schual-Berke

AN ACT Relating to expanding the responsibilities of the caseload forecast council; and amending RCW 43.88C.010.

Referred to Committee on Appropriations.

HB 2767 by Representatives Hudgins, Hunt and McDermott

AN ACT Relating to a closed primary; amending RCW 29A.04.007, 29A.04.085, 29A.04.210, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.080, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.36.200, 29A.40.010, 29A.44.200, 29A.48.060, 29A.52.230, 29A.52.320, 29A.56.020, 29A.56.030, 29A.56.040, 29A.56.050, 29A.56.060, 29A.60.020, 29A.80.040, 29A.80.050, and 42.17.020; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.36 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, 29A.56.010, and 29A.80.060; and declaring an emergency.

Referred to Committee on State Government.

HB 2768 by Representatives Hudgins, Romero, Simpson, G., Moeller, Chase, Rockefeller, Conway and Kagi

AN ACT Relating to requiring state contracts be performed by citizens of the United States or persons authorized by federal law to work in the United States; amending RCW 43.19.1932; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 47.28 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2769 by Representatives Pettigrew, Benson, Kagi, Nixon, Miloscia, Tom, Darneille, Dickerson, Linville, Hunter, Simpson, G., Kirby, Moeller, Schual-Berke, Chase, Upthegrove, Morrell, Wood and Hudgins

AN ACT Relating to reducing hunger; amending RCW 74.08A.010; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 74.04 RCW; creating new sections; and repealing RCW 28A.235.140.

Referred to Committee on Children & Family Services.

HB 2770 by Representatives Conway, Simpson, G., Wallace, Flannigan, Chase, McCoy, O'Brien, Hudgins, Moeller, Dickerson, Darneille and Morrell

AN ACT Relating to the right to engage in activities related to collective bargaining; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2771 by Representatives Sommers, Lantz, Cody, Nixon, Morrell, Hankins, Tom, Kirby, Delvin, Mielke, Pearson, McMahan, Moeller, Dickerson, McIntire and Kenney

AN ACT Relating to the prevention of cyberstalking; amending RCW 9A.46.060 and 9A.46.100; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 9.61 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on .

HB 2772 by Representatives Schual-Berke, Cody, O'Brien, Simpson, G., Moeller, Dickerson, Chase and Conway

AN ACT Relating to genetic information; amending RCW 48.18.480, 49.60.020, 49.60.040, 49.60.180, 49.60.190, and 49.60.200; adding a new section to chapter 49.44 RCW; adding a new chapter to Title 7 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2773 by Representatives Schual-Berke, Benson and Morrell

AN ACT Relating to establishing a commission on noneconomic damages; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2774 by Representatives Schual-Berke, Bailey, Linville, Alexander, Kagi, Campbell, Benson, Clibborn, Moeller, Darneille, Morrell, Morris, Delvin, Pearson, Simpson, G. and Chase

AN ACT Relating to prescription drugs; amending RCW 69.41.190; and creating a new section.

Referred to Committee on Health Care.

HB 2775 by Representatives Fromhold, Hunter, Jarrett, Tom, Rockefeller, McIntire, Clibborn, Nixon, Moeller, Hunt, Chase, Conway, Kenney and Morrell

AN ACT Relating to school district levy base calculations; and amending RCW 84.52.0531.

Referred to Committee on Education.

HB 2776 by Representatives Cody, McCoy, Conway, Wood, Hudgins, Crouse, Kagi, Kenney, McMorris, Murray and McIntire

AN ACT Relating to the treatment of problem gambling; amending RCW 9.46.100 and 43.20A.890; adding a new section to chapter 9.46 RCW; adding a new section to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 2777 by Representatives McDermott, Haigh and Schual-Berke

AN ACT Relating to after-school programs; creating new sections; and declaring an emergency.

Referred to Committee on Education.

HB 2778 by Representatives Tom, Kagi, Rockefeller, O'Brien, Hudgins, Moeller and Kenney

AN ACT Relating to required community service for drunk driving offenders; amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2779 by Representatives Clibborn, Lantz, Pettigrew, Darneille and Rockefeller

AN ACT Relating to information provided by former or current employers to prospective employers; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2780 by Representatives Fromhold, Kagi, Delvin, Quall, McIntire, Chase, Darneille, Conway, Morrell and Kenney

AN ACT Relating to early learning and child care programs and services in the state; and creating new sections.

Referred to Committee on Children & Family Services.

HB 2781 by Representatives Upthegrove, Schindler, Jarrett, Clibborn and Schual-Berke

AN ACT Relating to state agency review of development regulations; and amending RCW 36.70A.106.

Referred to Committee on Local Government.

HB 2782 by Representatives Cooper, Campbell and Simpson, G.

AN ACT Relating to the state building code; and amending RCW 19.27.031 and 19.27.110.

Referred to Committee on Local Government.

HB 2783 by Representatives Pettigrew, Skinner, O'Brien, Jarrett, Sullivan, Priest, Hunt, Cooper, Conway, Cairnes, Eickmeyer, Kirby, Simpson, G., Ruderman, Schual-Berke, Chase, Lantz, Kenney, Morrell, Wood and Murray

AN ACT Relating to property tax exemptions for nonprofit organizations for small business incubators which assist in the creation and expansion of innovative small commercial enterprises; amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Trade & Economic Development.

HB 2784 by Representatives Pettigrew, Skinner, O'Brien, Conway, Hunt, Cooper, Cairnes, Eickmeyer, Jarrett, Sullivan, Kirby, Simpson, G., Ruderman, Hatfield, Moeller, Chase, Kenney, Morrell, Hudgins and Murray

AN ACT Relating to the small business incubator program; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade & Economic Development.

HB 2785 by Representatives Cody, Morrell, Conway, Simpson, G., Dickerson, Lantz and Murray

AN ACT Relating to expanding access to health insurance coverage; amending RCW 70.47.010, 70.47.020, 70.47.030, and 70.47.060; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 50 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 2786 by Representatives Cody, Campbell, Morrell, Schual-Berke, Lantz, Clibborn, Simpson, G., Moeller, Upthegrove and Kagi

AN ACT Relating to improving health care professional and health care facility patient safety practices; amending RCW 4.24.250, 43.70.510, 70.41.200, 43.70.110, and 43.70.250; adding new sections to chapter 43.70 RCW; adding a new section to chapter 7.70 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 2787 by Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Upthegrove and Kagi

AN ACT Relating to immunity from liability for licensed health care providers volunteering at community health care settings; and amending RCW 4.24.300.

Referred to Committee on Judiciary.

HB 2788 by Representatives Kessler, Schual-Berke, Cody, Morrell, Clibborn, Campbell, Moeller, Darneille, Buck and Kagi

AN ACT Relating to the liability insurance program for retired primary care providers volunteering to serve low-income patients; and amending RCW 43.70.460.

Referred to Committee on Health Care.

HB 2789 by Representatives Schual-Berke, Armstrong, Chase, Tom, Hunt, Jarrett, Cooper, Hankins, Cody, Darneille, Edwards, Clibborn, Simpson, G., Kirby, Moeller, Nixon, Rockefeller, Lantz, Conway, Morrell and Kagi

AN ACT Relating to health information for youth; adding a new section to chapter 70.24 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 2790 by Representatives Kagi, O'Brien, Darneille and Upthegrove

AN ACT Relating to drug offenses; amending RCW 9.94A.517, 2.28.170, and 70.96A.350; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2791 by Representatives Kagi, Jarrett, Cody, Tom, Hunter, Darneille, Clibborn, Moeller, Schual-Berke, Chase and Hudgins

AN ACT Relating to firearms and domestic violence; and amending RCW 9.41.800, 10.99.040, 10.99.045, 26.50.060, and 26.50.070.

Referred to Committee on Judiciary.

HB 2792 by Representatives Kagi, Boldt, Dickerson, Shabro, Darneille, Roach, Pettigrew, Bailey, Cody, McIntire, Moeller, Schual-Berke, Chase, Kenney and Morrell

AN ACT Relating to initiating a process to develop collaboration among public and private providers of child welfare services.

Referred to Committee on Children & Family Services.

HJM 4033 by Representatives Moeller, Nixon, Dunshee, Tom, Santos, Jarrett, Lantz, Flannigan, Kirby, Simpson, G., Dickerson, Romero, Hunt, Chase, Darneille, Hunter, Veloria, Upthegrove, Morrell and Kagi

Expressing concern about the USA PATRIOT Act.

Referred to Committee on Judiciary.

HJM 4034 by Representatives Ormsby, Benson, Linville, Schoesler, Hunt, Cooper, Ahern, Chase, Morrell and Wood

Petitioning Idaho concerning the Basin Environmental Improvement Project Commission.

Referred to Committee on Agriculture & Natural Resources.

HJM 4035 by Representatives Hatfield, Buck, Blake, McMorris, Delvin, McMahan, Simpson, G., Kirby and Morrell

Requesting the Bonneville Power Administration to roll back its rate increase to provide electric rate relief.

Referred to Committee on Technology, Telecommunications & Energy.

HJM 4036 by Representatives Linville, Rockefeller, Chase, Morrell and Kagi

Requesting federal funding to help implement certain Clean Water Act requirements.

Referred to Committee on Agriculture & Natural Resources.

HJM 4037 by Representatives Conway, Simpson, G., Wallace, Chase, Flannigan, McCoy, O'Brien, Hudgins, Campbell and Morrell

Requesting congress to enact the employee free choice act of 2003.

Referred to Committee on Commerce & Labor.

HJR 4215 by Representatives Sommers, Romero, Jarrett, Clibborn, Moeller, Bush, Edwards, Morrell and Kagi

Authorizing consolidation or merging of statutory and constitutional county functions and structures.

Referred to Committee on Local Government.

HCR 4416 by Representatives Kenney, Cox and Morrell; by request of Higher Education Coordinating Board

Commending the higher education coordinating board for its work in preparing the 2004 Interim Strategic Master Plan for Higher Education.

Referred to Committee on Higher Education.

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

REPORTS OF STANDING COMMITTEES

January 16, 2004

HB 2339 Prime Sponsor, Representative Morris: Providing tax relief for aluminum smelters. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Assistant Ranking Minority Member; Tom.

Passed to Committee on Finance.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 20, 2004, the 10th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

NINTH DAY, JANUARY 20, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 21, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kiernan Charnley and Gary Belvin. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Elaine Swigart, Thurston County Ministries in Higher Education and Campus Minister at the Evergreen State College, Olympia.

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

MESSAGE FROM METROPOLITAN KING COUNTY COUNCIL

January 20, 2004

Mr. Frank Chopp, Speaker
House of Representatives
Legislative Building
Olympia WA 98504

Dear Mr. Chopp:

On January 20, 2004, the Metropolitan King County Council appointed Jay Rodne to the vacancy in the 5th District of the House of Representatives created by the resignation of Cheryl Pflug.

Sincerely yours,

Anne Noris
Clerk of the Council

OATH OF OFFICE

The Speaker requested Representatives Anderson and Woods escort Jay Rodne to the Rostrum. Supreme Court Justice Mary Fairhurst gave the oath of office to Mr. Simpson. The Sergeant at Arms escorted Justice Fairhurst from the Chamber. Representatives Anderson and Woods escorted Representative Jay Rodne to his seat on the Chamber floor.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller; by request of Governor Locke)

Changing the learning assistance program.

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989 was returned to second reading for purpose of amendment.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, By House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller; by request of Governor Locke)

Changing the learning assistance program.

Representative McDermott moved the adoption of the following amendment (735):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PURPOSE. The learning assistance program requirements in this chapter are designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing programs to assist underachieving students. Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

NEW SECTION. Sec. 3. PROGRAM PLAN. By July 1st of each year, a participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval. For the 2004-05 school year, school districts must identify the program activities to be implemented from section 4 of this act and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year, the program plan must identify the program activities to be implemented from section 4 of this act and implement all of the elements in subsections (1) through (8) of this section. The school district plan shall include the following:

(1) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

(2) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

(3) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

(a) Achievement goals for the students;

(b) Roles of the student, parents, or guardians and teachers in the plan;

(c) Communication procedures regarding student accomplishment; and

(d) Plan reviews and adjustments processes;

(4) How state level and classroom assessments are used to inform instruction;

(5) How focused and intentional instructional strategies have been identified and implemented;

(6) How highly qualified instructional staff are developed and supported in the program and in participating schools;

(7) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

(8) How a program evaluation will be conducted to determine direction for the following school year.

NEW SECTION. Sec. 4. PROGRAM ACTIVITIES. Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

(1) Extended learning time opportunities occurring:

(a) Before or after the regular school day;

(b) On Saturday; and

(c) Beyond the regular school year;

(2) Professional development for certificated and classified staff that focuses on:

(a) The needs of a diverse student population;

(b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;

(3) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(4) Tutoring support for participating students; and

(5) Outreach activities and support for parents of participating students.

NEW SECTION. Sec. 5. PLAN APPROVAL PROCESS. A participating school district shall annually submit a program plan to the office of the superintendent of public instruction for approval. The program plan must address all of the elements in section 3 of this act and identify the program activities to be implemented from section 4 of this act.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

NEW SECTION. Sec. 6. FUNDS--ELIGIBILITY--DISTRIBUTION. Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district

allocation purposes only. Beginning with the 2005-06 school year, the distribution formula shall be based on one or more family income factors measuring economic need.

NEW SECTION. Sec. 7. MONITORING. To ensure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every four years. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 8. RULES. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- a. RCW 28A.165.010 (Intent) and 1989 c 233 s 1 & 1987 c 478 s 1;
- b. RCW 28A.165.012 (Program created) and 1987 c 478 s 2;
- c. RCW 28A.165.030 (Definitions) and 1999 c 78 s 1, 1990 c 33 s 148, & 1987 c 478 s 3;
- d. RCW 28A.165.040 (Application for state funds--Needs assessment--Plan) and 1990 c 33 s 149, 1989 c 233 s 2, & 1987 c 478 s 4;
- e. RCW 28A.165.050 (Identification of students--Coordination of use of funds) and 1987 c 478 s 5;
- f. RCW 28A.165.060 (Services or activities under program) and 1989 c 233 s 3 & 1987 c 478 s 6;
- g. RCW 28A.165.070 (Eligibility for funds--Distribution of funds--Development of allocation formula) and 1995 1st sp.s. c 13 s 1, 1993 sp.s. c 24 s 520, 1990 c 33 s 150, & 1987 c 478 s 7;
- h. RCW 28A.165.080 (Monitoring) and 1990 c 33 s 151 & 1987 c 478 s 8; and
- i. RCW 28A.165.090 (Rules) and 1990 c 33 s 152 & 1987 c 478 s 9.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to chapter 28A.165 RCW."

Correct the title.

Representatives McDermott and Talcott spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives McDermott and Talcott spoke in favor of passage of the bill.

Representative Cox spoke against the passage of the bill.

MOTION

On motion of Representative Santos, Representative Moeller was excused.

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1989.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1989 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon,

O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Buck, Bush, Cox, Crouse, McMorris, Schindler, Schoesler and Sump - 8.

Excused: Representative Moeller - 1.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

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

INTRODUCTION & FIRST READING

HB 2771 by Representatives Sommers, Lantz, Cody, Nixon, Morrell, Hankins, Tom, Kirby, Delvin, Mielke, Pearson, McMahan, Moeller, Dickerson, McIntire, Kenney, Kessler, Conway, Darneille, Sullivan, Schual-Berke, Kagi and Ormsby

AN ACT Relating to the prevention of cyberstalking; amending RCW 9A.46.060 and 9A.46.100; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 9.61 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2793 by Representatives Miloscia, Lovick, McDermott, Haigh and Chase

AN ACT Relating to filing dates for campaign contribution and expenditure reports; and amending RCW 42.17.080.

Referred to Committee on State Government.

HB 2794 by Representatives Condotta and Wood

AN ACT Relating to allowing licensees to pay for liquor using debit and credit cards; and amending RCW 66.08.026 and 66.16.041.

Referred to Committee on Commerce & Labor.

HB 2795 by Representatives Blake, Wallace, Dunshee, Sullivan, Bush, Benson, Simpson, G., Crouse, Hankins, Delvin, Quall, McCoy, Lantz, Kenney, Chase and Edwards

AN ACT Relating to extending the prohibition on mandatory local measured telecommunications service; and amending RCW 80.04.130.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2796 by Representatives Romero, Hunt, Kessler, Murray, Simpson, G., Chase and Ormsby

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

Referred to Committee on Health Care.

HB 2797 by Representatives Morrell, Cody, Linville, Simpson, G., Edwards, Kenney and Ormsby; by request of Insurance Commissioner

AN ACT Relating to providing access to the basic health plan for individuals eligible for the health coverage tax credit under the Trade Act of 2002 (P.L. 107-210); and amending RCW 70.47.020, 70.47.030, and 70.47.060.

Referred to Committee on Health Care.

HB 2798 by Representatives Cody, Linville, Simpson, G., Edwards, Kenney and Kagi; by request of Insurance Commissioner

AN ACT Relating to stabilizing the cost of health insurance; amending RCW 41.05.011, 48.41.200, 48.41.060, and 70.47.060; adding new sections to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 2799 by Representatives Schual-Berke, Cody, Campbell, Linville, Edwards, Kagi and Ormsby; by request of Insurance Commissioner

AN ACT Relating to establishing a supplemental malpractice insurance program; adding a new section to chapter 18.130 RCW; adding a new chapter to Title 48 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2800 by Representatives Carrell, Ahern, Clements, Cairnes, Cox, Roach, Jarrett, Delvin, Shabro, Kristiansen, McMahan, Newhouse, Condotta, Buck, Kessler, Campbell, Mielke, Simpson, G., Bush and Woods

AN ACT Relating to taking a motor vehicle without permission; amending RCW 9A.56.070, 9A.56.075, and 9.94A.533; reenacting and amending RCW 9.94A.515 and 13.40.0357; adding a new section to chapter 9A.56 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2801 by Representatives Cairnes, Carrell, Kristiansen, Orcutt, Roach, Alexander, Benson, Woods, Holmquist, Ahern, Nixon, Cox, Sump, Newhouse, Mastin, Hinkle, Pearson, Bush, Chandler, Kessler, McDonald, Shabro, Schoesler, Campbell, Boldt, Mielke and Simpson, G.

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

Referred to Committee on Finance.

HB 2802 by Representatives Schoesler, Linville, Romero, Grant, Shabro, Schual-Berke, Rockefeller, Flannigan, Alexander, Hudgins, Anderson, Ruderman, Sump, Murray, Boldt, Darnelle, Clements, Dickerson, Newhouse, Hunt, Lantz, McDermott, Kenney, Haigh, Clibborn, Kristiansen, Holmquist, Quall, O'Brien, Eickmeyer, Woods, Buck, Bailey, Kessler, Simpson, G., Morrell, Wallace, Lovick, Edwards, Benson, Pearson, Nixon, Armstrong, Hinkle, Wood, Moeller, Ahern, Roach, Cooper, McCoy, Cody, Conway, Kagi, Ormsby, Skinner, McMorris, Campbell, Sullivan, Chase, Santos and Condotta

AN ACT Relating to penalties for trading in nonambulatory livestock; adding a new section to chapter 16.36 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2803 by Representatives Schoesler, Grant, Delvin, Linville, Sump, Clements, Chandler, Newhouse, McMorris, Boldt and Sullivan

AN ACT Relating to bedding materials for livestock; amending RCW 82.08.920 and 82.12.920; and providing an effective date.

Referred to Committee on Finance.

HB 2804 by Representatives Lantz, Rockefeller, Clibborn, Moeller, Kirby, Cody, Morrell, Flannigan, Sommers, Campbell, Lovick, Kagi, Miloscia, O'Brien, Hunt, Simpson, G., Conway, Haigh, Linville, Edwards, Kenney and Chase

AN ACT Relating to actions against health care providers under chapter 7.70 RCW; amending RCW 4.22.070, 4.16.190, 4.16.350, 7.70.100, 5.64.010, 7.70.080, and 70.105.112; adding new sections to chapter 7.70 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2805 by Representatives Romero, McIntire, Haigh, Dunshee, Moeller, Clibborn and Morrell

AN ACT Relating to the blue ribbon commission on land use and local government finance; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 2806 by Representatives Romero, Hunt, Dunshee and Chase

AN ACT Relating to builders' warranties on detached, single-family homes; amending RCW 4.16.300 and 4.16.310; adding a new section to chapter 64.50 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

HB 2807 by Representatives Murray, Cox, Quall, McIntire, Kenney and Edwards

AN ACT Relating to off-campus disruptive behavior of higher education students; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 2808 by Representatives Murray, Jarrett, Hankins, Wallace, Hudgins, Cooper, Hunter, Moeller and Sullivan

AN ACT Relating to high-occupancy toll lanes; amending RCW 46.61.165; reenacting and amending RCW 42.17.310, 42.17.310, 43.84.092, and 43.84.092; adding new sections to chapter 47.56 RCW; adding a new section to chapter 47.66 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Transportation.

HB 2809 by Representatives Conway, Wood, Crouse and Sullivan; by request of Department of Licensing

AN ACT Relating to the department of licensing; amending RCW 43.135.055, 18.96.050, 19.105.380, and 64.36.225; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.24 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2810 by Representatives Jarrett, Rockefeller, Armstrong, Hunter, McIntire, Shabro, Alexander, Wallace, Anderson, Simpson, G., Sullivan, Ruderman and Woods

AN ACT Relating to government accountability; amending RCW 43.88.090 and 44.28.083; adding a new section to chapter 44.04 RCW; adding a new section to chapter 44.28 RCW; and creating new sections.

Referred to Committee on State Government.

HB 2811 by Representatives Jarrett, Upthegrove, Priest, Romero, Shabro, Moeller, Clibborn, Linville, Edwards, Tom, Sullivan and Woods

AN ACT Relating to establishing permit processing timelines and reporting requirements for certain local governments subject to the requirements of RCW 36.70A.215; amending RCW 36.70B.080; and creating a new section.

Referred to Committee on Local Government.

HB 2812 by Representative Boldt

AN ACT Relating to ensuring reporting by clergy of sex offenses committed against children by other clergy; amending RCW 26.44.020, 26.44.030, 26.44.160, and 9A.04.080; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 2813 by Representatives Flannigan, Mastin, Pettigrew, McCoy, Jarrett, Lantz, Moeller, Newhouse, Clibborn, Hudgins, O'Brien, Kirby and Chase

AN ACT Relating to a recording of custodial interrogations pilot project; adding a new section to chapter 43.101 RCW; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2814 by Representatives Upthegrove, Delvin, Quall, Linville, Wood, Ruderman, Schual-Berke, Chase, Santos and Kagi

AN ACT Relating to civics education; adding a new section to chapter 28A.600 RCW; creating a new section; and making appropriations.

Referred to Committee on Education.

HB 2815 by Representatives Simpson, G., Benson, Schual-Berke, Linville, Morrell and Edwards; by request of Insurance Commissioner

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

Referred to Committee on Health Care.

HB 2816 by Representatives Schual-Berke, Benson, Simpson, G., Clibborn, Linville, Morrell, Edwards and Kagi; by request of Insurance Commissioner

AN ACT Relating to cancellation and nonrenewal of medical malpractice liability insurance policies; and amending RCW 48.18.290 and 48.18.2901.

Referred to Committee on Financial Institutions & Insurance.

HB 2817 by Representatives Hatfield and Newhouse

AN ACT Relating to insurance investments in limited liability companies formed to develop real property; and amending RCW 48.13.240.

Referred to Committee on Financial Institutions & Insurance.

HB 2818 by Representatives Kagi, Boldt, Darneille, Pearson, Cooper, Linville, Hudgins, Kessler, Lantz, Conway, Simpson, G., Edwards, Sullivan, Kenney, Wood, Schual-Berke, Chase, Santos and Ormsby

AN ACT Relating to housing-based support services for homeless families; amending RCW 43.20A.790; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Children & Family Services.

HB 2819 by Representative Sullivan

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.431, 74.46.433, 74.46.496, 74.46.501, 74.46.506, and 74.46.511; repealing RCW 74.46.091, 74.46.535, and 82.71.020; and providing an effective date.

Referred to Committee on Appropriations.

HB 2820 by Representatives Sullivan and Chase

AN ACT Relating to citizen participation at city council meetings; and amending RCW 35A.12.110.

Referred to Committee on Local Government.

HB 2821 by Representatives Sullivan, Cooper, Wood, Hunt, Upthegrove, Linville, Murray, Simpson, G., Morrell, Darneille, Chase and Kagi

AN ACT Relating to protecting student health by providing incentives for the use of clean-burning alternative fuels in school buses; amending RCW 82.38.080; and providing an effective date.

Referred to Committee on Transportation.

HB 2822 by Representatives Sullivan, Cooper, Hunt, Linville, Eickmeyer, Simpson, G., Ruderman, Chase and Kagi

AN ACT Relating to use of high-occupancy vehicle lanes by low-emission vehicles; amending RCW 46.61.165, 47.52.025, and 81.100.020; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2823 by Representatives Sullivan, Cooper, Hunt, Upthegrove, Linville, Murray, Simpson, G., Chase and Kagi

AN ACT Relating to providing incentives to reduce air pollution and improve energy security through the use of alternative fuel vehicles; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2824 by Representatives Jarrett, Linville, Armstrong, Moeller, Clibborn, Shabro, Edwards, Romero, Schindler, Kenney, Upthegrove and Woods

AN ACT Relating to establishing permit processing timelines and reporting requirements for state agencies; and adding a new chapter to Title 43 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2825 by Representatives Clements, Carrell, Skinner, Newhouse, Chandler, Campbell and Boldt

AN ACT Relating to restitution for malicious mischief; amending RCW 9A.48.090; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2826 by Representative Morris

AN ACT Relating to taxation of products from vending machines; and amending RCW 82.08.0293 and 82.08.080.

Referred to Committee on Finance.

HB 2827 by Representatives Ormsby, Cox, Kenney, Clements, Fromhold, McCoy, Boldt, Mielke, Chase, McIntire, Simpson, G., Morrell, Edwards, Darneille, Wood and Condotta

AN ACT Relating to establishing a tuition and fees payment plan at colleges and universities; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2828 by Representatives Lantz, Moeller, Cody, Morrell and Darneille

AN ACT Relating to the liability of hospitals for noneconomic damages in actions under chapter 7.70 RCW; and amending RCW 4.22.070.

Referred to Committee on Judiciary.

HB 2829 by Representatives Jarrett, Moeller, Nixon, Shabro, Clibborn and Romero

AN ACT Relating to the incorporation of territory within designated urban growth areas in counties subject to the requirements of RCW 36.70A.215; and adding new sections to chapter 36.93 RCW.

Referred to Committee on Local Government.

HB 2830 by Representatives Hudgins, Jarrett, Hatfield, Mielke, Wallace and Nixon

AN ACT Relating to authorizing a fee for the limited purpose of reviewing driving records of existing policyholders for changes; and amending RCW 46.52.130.

Referred to Committee on Transportation.

HB 2831 by Representatives Chandler, Grant, Holmquist, Newhouse, Delvin and Hunt

AN ACT Relating to the special occasion liquor license; and amending RCW 66.24.380.

Referred to Committee on Commerce & Labor.

HB 2832 by Representatives Sullivan, Sehlin, Morris, Clements, Crouse, Ahern, O'Brien, Hinkle, Anderson, Linville, Benson, Fromhold, McCoy, Pearson, Lovick, Bailey, Cairnes, Kirby and Grant

AN ACT Relating to clarifying the taxation of staffing services; amending RCW 82.04.460 and 82.04.290; adding a new section to chapter 82.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2833 by Representatives Conway, McMorris, Wood, Hudgins and McCoy

AN ACT Relating to modifying the definition of sellers of travel; and amending RCW 19.138.021.

Referred to Committee on Commerce & Labor.

HB 2834 by Representatives Schual-Berke, Kagi, Cody, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller and Darneille

AN ACT Relating to improving health professions discipline; amending RCW 4.24.260, 18.71.0193, 18.57.011, 18.71.019, 18.130.010, 18.130.150, 18.130.180, and 18.130.900; reenacting and amending RCW 18.130.040; and creating new sections.

Referred to Committee on Health Care.

HB 2835 by Representatives Schual-Berke and Edwards

AN ACT Relating to noneconomic damage awards in actions against health care providers under chapter 7.70 RCW; adding a new section to chapter 7.70 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2836 by Representatives Schual-Berke, Benson and Linville

AN ACT Relating to homeowners' insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2837 by Representatives Schual-Berke, Benson, Cody, Simpson, G., Kagi, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller, Moeller, Clibborn, Edwards and Darneille

AN ACT Relating to underwriting medical malpractice coverage; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2838 by Representatives Benson and Schual-Berke

AN ACT Relating to capital calls by domestic mutual insurers; adding new sections to chapter 48.09 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2839 by Representatives Schual-Berke, Kagi, Cody, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller, Clibborn and Edwards

AN ACT Relating to a study of alternatives for resolving disputes related to injuries resulting from health care; and creating new sections.

Referred to Committee on Judiciary.

HB 2840 by Representatives Schual-Berke, Linville and Morrell

AN ACT Relating to expert witness qualifications in action under chapter 7.70 RCW; and adding new sections to chapter 7.70 RCW.

Referred to Committee on Judiciary.

HB 2841 by Representatives Blake, Hatfield, Schindler and Romero

AN ACT Relating to administering flood control zone districts; and amending RCW 86.15.080 and 86.15.060.

Referred to Committee on Local Government.

HB 2842 by Representatives Benson, Murray, Tom, Darneille, Hankins, Schual-Berke and Kagi

AN ACT Relating to occupational driver's licenses; amending RCW 46.20.394; and reenacting and amending RCW 46.20.391.

Referred to Committee on Judiciary.

HB 2843 by Representatives Sommers, Kenney, Cox, Fromhold, Sehlin, Priest, Chase, McCoy, Ormsby and Lantz

AN ACT Relating to regional universities; amending RCW 28B.35.010, 28B.35.050, 28B.35.200, 28B.35.205, 28B.10.016, 28B.10.020, 28B.15.005, 28B.14H.010, and 28B.80.310; adding a new section to chapter 28B.35 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Higher Education.

HB 2844 by Representatives Lovick, Morrell, Benson, Campbell, Simpson, G., Bush, Quall, Upthegrove and Schual-Berke; by request of Department of Health and Washington State Patrol

AN ACT Relating to further regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 18.64.046, 18.64.047, and 69.43.110; reenacting and amending RCW 18.64.044; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2845 by Representative Sump

AN ACT Relating to limiting local government liability to intentional failures to verify registered contractor status; and amending RCW 18.27.110.

Referred to Committee on Commerce & Labor.

HB 2846 by Representatives Sump, Cooper, Romero, Buck, Pearson, Holmquist, Jarrett, Wood and Woods

AN ACT Relating to the unlawful use of a hook; adding a new section to chapter 77.15 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2847 by Representatives Miloscia, O'Brien and Lovick

AN ACT Relating to expanding the DNA identification system to include DNA samples from persons arrested on criminal charges; amending RCW 43.43.735 and 43.43.754; creating a new section; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2848 by Representatives O'Brien, Tom, Kagi, Cairnes, Murray, McCoy, Cox, Hunt, Lovick, Flannigan and Dunshee

AN ACT Relating to the tribal law enforcement officers act of 2004; and adding a new chapter to Title 10 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2849 by Representatives Kagi, Cody, Campbell, Bush and Schual-Berke; by request of Department of Health

AN ACT Relating to eliminating credentialing barriers for sex offender treatment providers; amending RCW 4.24.556, 18.155.020, 18.155.030, and 18.155.040; reenacting and amending RCW 18.130.040; and adding a new section to chapter 18.155 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2850 by Representatives Morrell, Benson, Darneille, Campbell and Bush; by request of Department of Health

AN ACT Relating to eliminating credentialing barriers for health professions; amending RCW 18.06.050, 18.29.021, 18.29.180, 18.34.070, 18.79.160, 18.83.050, 18.83.070, 18.83.072, 18.83.082, and 18.83.170; adding a new section to chapter 18.79 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2851 by Representatives Clibborn, Campbell, Darneille and Edwards; by request of Department of Health

AN ACT Relating to removing certificate of need limitations on bed capacity and redistribution for federally certified critical access hospitals; and amending RCW 70.38.105.

Referred to Committee on Health Care.

HB 2852 by Representatives O'Brien, Cairnes, Hunt, Lantz and Flannigan

AN ACT Relating to failure to appear after release on recognizance; and amending RCW 9A.76.170.

Referred to Committee on Criminal Justice & Corrections.

HB 2853 by Representatives Cox and Schoesler

AN ACT Relating to pharmacy interns; and reenacting and amending RCW 18.64.080.

Referred to Committee on Health Care.

HB 2854 by Representatives Delvin, Lovick, O'Brien, Lantz and Bush

AN ACT Relating to seizure, forfeiture, and destruction of explosives; and amending RCW 70.74.400.

Referred to Committee on Criminal Justice & Corrections.

HB 2855 by Representatives Delvin, Lovick and O'Brien

AN ACT Relating to the use of explosives; adding a new section to chapter 70.74 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2856 by Representatives Delvin, Upthegrove and Condotta

AN ACT Relating to motorized foot scooters; amending RCW 46.61.710; reenacting and amending RCW 46.04.320, 46.16.010, and 46.20.500; and providing an effective date.

Referred to Committee on Transportation.

HB 2857 by Representatives Delvin, Ahern, Anderson, Roach, McMorris, Condotta, McMahan, Crouse, Talcott, Nixon, Campbell, Tom, Orcutt, Hinkle, Clements, Newhouse, Woods, Chandler, Carrell, Armstrong, Schoesler, Buck, Bush and Upthegrove

AN ACT Relating to requiring the teaching of the relationship of the Declaration of Independence to the constitutions of the United States and Washington state; amending RCW 28A.230.170; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 2858 by Representatives Cooper and O'Brien

AN ACT Relating to all-terrain vehicles; amending RCW 46.01.040; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 2859 by Representatives Wallace, Boldt, Dunshee, Orcutt, Lantz, Hankins, Alexander, Linville, Eickmeyer, Murray, Morrell, Upthegrove and Schual-Berke

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

Referred to Committee on Capital Budget.

HB 2860 by Representatives Ahern, Ormsby, Shabro, Lovick, Delvin, Upthegrove, Wallace, Blake, Bush and Quall

AN ACT Relating to ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 69.43.110 and 69.43.160; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2861 by Representatives Talcott, Quall, McDermott and Tom

AN ACT Relating to certificates of completion for disabled students; and amending RCW 28A.655.060.

Referred to Committee on Education.

HB 2862 by Representatives Mielke, Shabro, Boldt, Schindler and Kristiansen

AN ACT Relating to services provided by educational service districts; and amending RCW 28A.310.200.

Referred to Committee on Education.

HB 2863 by Representatives Santos, Veloria, Kenney, Pettigrew, Murray, Darneille and Upthegrove

AN ACT Relating to providing public notices of public health, safety, and welfare in a language other than English; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

HB 2864 by Representatives Santos, Pettigrew, Veloria and Sullivan

AN ACT Relating to selecting the locations for community corrections field offices operated by the department of corrections; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2865 by Representatives Condotta, Grant, Chandler, Kessler, Newhouse, McMorris, Armstrong, Hinkle, Sump and Crouse

AN ACT Relating to required elements of cholinesterase monitoring programs for certain pesticide handlers; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2866 by Representatives Crouse, Sullivan and Wood

AN ACT Relating to construction and operation of renewable energy projects by joint operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2867 by Representatives McDermott and Nixon; by request of Secretary of State

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.

Referred to Committee on State Government.

HB 2868 by Representatives Condotta, Lovick, Moeller, Kristiansen, Sump, Priest, Armstrong, McDonald, Delvin, Skinner, Holmquist, McMahan, Crouse, Newhouse, Carrell, Roach, Simpson, G. and Woods

AN ACT Relating to failure to register as a felony sex offender; reenacting and amending RCW 9.94A.515; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2869 by Representatives Condotta, Armstrong, Schoesler, Sump, Holmquist, Newhouse, Kristiansen and Clements

AN ACT Relating to prohibiting land acquisition projects funded by the salmon recovery funding board; amending RCW 77.85.010 and 77.85.060; and reenacting and amending RCW 77.85.130.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2870 by Representatives Romero, Murray, Edwards, Wood, Upthegrove and Santos

AN ACT Relating to relocation assistance payments to low-income tenants; amending RCW 59.18.440 and 35.80.030; creating a new section; and prescribing penalties.

Referred to Committee on Local Government.

HB 2871 by Representatives Darneille, Campbell, Cody, Miloscia, Moeller, Wallace, Schual-Berke, Skinner, Murray, Upthegrove and Santos

AN ACT Relating to measuring the performance of the HIV/AIDS service delivery system; amending RCW 70.24.400; and creating a new section.

Referred to Committee on Health Care.

HB 2872 by Representatives Darneille, Pettigrew, O'Brien, Kagi, Simpson, G., Dickerson and Wallace

AN ACT Relating to DNA testing; and amending RCW 10.73.170.

Referred to Committee on Criminal Justice & Corrections.

HB 2873 by Representatives Darneille, Benson, Morrell, Conway, Haigh, Talcott, Bailey, Lantz, McDonald, Shabro, Campbell, Linville, Simpson, G., Sullivan, Kenney, Upthegrove, Santos, Ormsby and Kagi

AN ACT Relating to establishing a military family assistance program; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2874 by Representatives Darneille and Kagi

AN ACT Relating to certificates of discharge of sentence; and amending RCW 9.94A.637.

Referred to Committee on Criminal Justice & Corrections.

HB 2875 by Representatives Upthegrove, Ruderman, Miloscia, Nixon, Tom, Eickmeyer, Santos, Ormsby and Kagi

AN ACT Relating to enhancing voting programs for young people; creating new sections; and providing an expiration date.

Referred to Committee on State Government.

HB 2876 by Representatives McMahan and Mielke

AN ACT Relating to excise tax exemptions for school districts; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HJM 4038 by Representatives Cairnes, Roach, Orcutt, Armstrong, Nixon, Holmquist, Woods, Carrell, Mastin, Kristiansen, Cox, Newhouse, Hinkle, Bush, Sehlin, Benson, Ahern, Chandler, Buck, Shabro, Campbell and Mielke

Recognizing the flag of the former Republic of Vietnam.

Referred to Committee on State Government.

SB 5034 by Senators Zarelli, Winsley, McCaslin, T. Sheldon, Hale, Benton, West, Esser, Sheahan, Oke and Kohl-Welles

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; and amending RCW 84.36.381, 84.36.383, and 84.38.030.

Referred to Committee on Finance.

ESB 5257 by Senators Roach, Doumit, Hale, Mulliken, T. Sheldon, Hewitt, Stevens, Parlette, Horn, Rossi, Benton, Johnson, Rasmussen and Esser

AN ACT Relating to administrative rule adoption procedures; and amending RCW 34.05.360.

Referred to Committee on State Government.

SCR 8420 by Senators Stevens, Shin, Mulliken, Parlette and Kohl-Welles

Creating the American Legislative Exchange Council Thirty-first Annual Meeting Host Committee.

Referred to Committee on State Government.

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

REPORTS OF STANDING COMMITTEES

January 19, 2004

HB 1667 Prime Sponsor, Representative Conway: Clarifying local government land use and zoning powers over gambling activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

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

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

COMMITTEE ASSIGNMENTS

Representative Rodne was assigned to the Committee on Health Care, the Committee on Trade & Economic Development and the Committee on Transportation.

There being no objection, the House adjourned until 9:55 a.m., January 22, 2004, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

TENTH DAY, JANUARY 21, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 22, 2004

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

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4673, By Representatives Linville, Lovick, McDermott, Rockefeller, Grant, Cooper, Chopp and Sommers

WHEREAS, Vim Wright, a champion of farmers, of the environment, and of her adopted state of Washington, passed away last June after many decades of unflagging service to this Earth she loved; and

WHEREAS, V. "Vim" Crane Wright sowed important environmental organizations, with some of her most-recent and perhaps most-triumphant endeavors reflected in her Farming and the Environment Project; and

WHEREAS, With the Farming and the Environment Project, she pioneered works to sustain a spirit of cooperation and *esprit de corps* on the part of citizens and organizations that make their living from the land with other citizens and organizations that, like the farmers for the land, make their life guarding its cleanness; and

WHEREAS, *The Seattle Times* newspaper, in a story last June 4 celebrating her life ("Vim Wright was friend to farmers and the land"), said in its lead that she "believed in ethical treatment of the land and fought to preserve an ecosystem where soil, plants, animals, and humans all played equal roles"; and

WHEREAS, Vim Wright was the first person who neither owned land nor farmed it to serve on the Washington Conservation Commission, and on two occasions she was elected to chair the commission; and

WHEREAS, As chair of the commission, in fact, this great gem, treasure, and benefactor of the Evergreen State helped farmers purchase farmland, thereby keeping it safe from asphalt and pavement; and

WHEREAS, The Washington Environmental Council named Vim Wright an "Environmental Hero" in 2002, and she was also honored with a Feinstone Award for achievements on behalf of the environment; and

WHEREAS, In recognizing her tireless commitment and contribution, the Washington Environmental Council said of the Farming and the Environment Project that the organization propelled by Vim Wright has itself propelled "an ongoing dialogue between farmers and environmentalists, helping to build trust and solve problems"; and

WHEREAS, Vim Wright launched and strengthened many environmental organizations; and

WHEREAS, This legendary environmentalist was also a member in superb standing of such other environmental associations as the Puget Soundkeeper Alliance, the Washington Conservation Voters, the People for Puget Sound, the National Resources Foundation, and the Blue Ribbon Committee on Old Growth Timber; and

WHEREAS, Vim Wright was born June 4, 1926, in Istanbul, Turkey, adopted by an American military family, and raised in Baltimore; and

WHEREAS, She moved to the state of Washington twenty-seven years ago to take the position she was to hold for the next fifteen years - assistant director of the Institute for Environmental Studies at the University of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salutes and celebrates the mettle, the heart, and the devotedness of Vim Wright; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Vim Wright, and to the Puget Soundkeeper Alliance, the Washington Conservation Voters, the People for Puget Sound, the National Resources Foundation, and the Blue Ribbon Committee on Old Growth Timber.

HOUSE RESOLUTION NO. 4673 was adopted.

HOUSE RESOLUTION NO. 2004-4674, By Representatives Linville and Ericksen

WHEREAS, Even today, more than five years after his passing, the late Henry Polinder is wholeheartedly esteemed for his numerous and essential contributions to the dairy industry of Whatcom County, the Pacific Northwest, and the entire nation; and

WHEREAS, The National Dairy Shrine, which represents thousand of devoted dairy men and women all across the land, this past December saluted the tireless, estimable, and unforgettable

dedication of Henry Polinder by presenting the late gentleman with the organization's prestigious Pioneer Award; and

WHEREAS, The National Dairy Shrine also inducted Mr. Polinder into the Dairy Shrine museum in Wisconsin; and

WHEREAS, Henry Polinder will forever remain a most revered pride of the Lynden community; and

WHEREAS, The Polinder dairy, which is operated today by Mr. Polinder's son Sherman Polinder, has been a fundamental fixture in the registered Holstein business for half a century; and

WHEREAS, Maurice Core, the executive director of the National Dairy Shrine, emphasized of Henry Polinder that our Whatcom County treasure "was a real giant in the Northwest for years with his co-op work and dairy marketing"; and

WHEREAS, Henry Polinder was a founder of the Northwest Dairymen's Association in 1969, and he served as the organization's highly effective and indefatigable president for the next twenty-two years; and

WHEREAS, A widely prized Holstein-breeder, Mr. Polinder served on the board of directors of the Holstein Association, and he was also a ten-year board member of the National Milk Producers Federation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrates the wonderful life, the inexhaustible work, and the illustrious dedication of the late Henry Polinder; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Henry Polinder, and to the National Dairy Shrine.

HOUSE RESOLUTION NO. 4674 was adopted.

HOUSE RESOLUTION NO. 2004-4678, By Representatives Schoesler and Cox

WHEREAS, On December 5, 2003, the LaCrosse/Washtucna Tigercats won their second consecutive State B-8 Football Championship with a 60-20 victory over the Jubilee Christian Warriors in the Tacoma Dome; and

WHEREAS, The Tigercats finished the season with a perfect 12-0 record, and have the state's second longest winning streak with 23 straight victories; and

WHEREAS, The Team had the least amount of points scored against them for the season, averaging 10.3 points per game; and

WHEREAS, The members of the football team, Marshall Burke, BJ Long, Justin McKenzie, Chris Keeney, Kevin Dainty, Joe Long, Shayn Delph, Tyler Martin, Craig Koller, Ryan Dorman, Hans Guske, Dallas Filan, Matt Martin, Ed Michel, Dirk Wigen, Alex Michel, Brian Baumann, Tyler Startin, Jeff Bafus, Adam Whitman, Tyson Carter, Noah St. Hilaire, Luke Stanley, Josh Chastain, Kellen Hays, and Michael Martin, distinguished themselves as high school athletes dedicated to teamwork, discipline, and achievement; and

WHEREAS, Team Manager Garrett Blauert provided much needed assistance to the coaches and the team members; and

WHEREAS, Cheerleaders Heather Hegal, Lindsey Lepper, Karlee Miller, Danielle Scoles, and Blair Widmer provided much needed enthusiasm and school spirit for the team members and fans; and

WHEREAS, Community members, parents, faculty, and the Tigercat Booster Club helped contribute to the success of the LaCrosse/Washtucna Tigercats by giving their whole-hearted support to the team members and the coaches, cheering them on to victory; and

WHEREAS, Coach Jeff Nelson should be applauded not only for his impressive coaching record, but his contribution to inspiring his players to victory, and leading the Tigercats to two consecutive state championship titles; and

WHEREAS, Assistant Coaches Kermit Wigen and Jim Hopkins share in the success due to their outstanding coaching and effort that went into developing the football program to its current stature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the 2003 LaCrosse/Washtucna Tigercats football team and coaching staff; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the LaCrosse/Washtucna Principal Doug Curtis, Athletic Director Sandy Martin, Coach Nelson, Assistant Coaches Wigen and Hopkins, and each member of the Tigercats championship team.

HOUSE RESOLUTION NO. 4678 was adopted.

INTRODUCTION & FIRST READING

HB 2877 by Representatives Kagi and Boldt; by request of Department of Social and Health Services

AN ACT Relating to guardianship of dependent children; amending RCW 13.34.030, 13.34.110, 13.34.145, 13.34.230, 13.34.231, 13.34.232, 13.34.233, 13.34.234, 13.34.235, 13.34.236, and 13.32A.030; reenacting and amending RCW 74.15.020; adding new sections to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2878 by Representatives Romero, Alexander and Hunt

AN ACT Relating to making changes to county treasurer statutes; and amending RCW 36.24.130, 36.24.140, 36.29.024, 46.44.170, 84.40.130, 84.56.025, 84.56.120, and 84.64.080.

Referred to Committee on Local Government.

HB 2879 by Representatives Cody, Campbell and Schual-Berke; by request of Department of Health

AN ACT Relating to health professions disciplinary procedures; amending RCW 18.130.060, 18.130.090, and 18.130.190; adding a new section to chapter 18.130 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 2880 by Representatives Haigh, Armstrong and Kessler

AN ACT Relating to industrial insurance fund audits; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce & Labor.

HB 2881 by Representatives Lantz, Carrell, Clibborn, Moeller, Newhouse, Lovick, Schual-Berke, Darneille and Kagi

AN ACT Relating to tort liability of governmental entities; amending RCW 4.92.090 and 4.96.010; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 2882 by Representative Cody

AN ACT Relating to hospitals' procedures regarding anatomical gifts; and repealing RCW 68.50.560.

Referred to Committee on Health Care.

HB 2883 by Representatives Lovick, Murray, Dickerson, Romero and Campbell; by request of Department of Social and Health Services and Department of Health

AN ACT Relating to specialized commercial vehicles used for patient transportation; and amending RCW 18.73.180.

Referred to Committee on Transportation.

HB 2884 by Representatives Dunshee, Sehlin, Campbell, Upthegrove and Morrell

AN ACT Relating to establishing the orca whale as the state mammal; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2885 by Representatives Romero, Dickerson, Hankins, Hunt, Cairnes, Quall and Wallace

AN ACT Relating to student safety and student discipline; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 2886 by Representatives Haigh, Mielke, Rockefeller, Simpson, G., Woods and Conway; by request of Department of Veterans Affairs

AN ACT Relating to determining eligibility for veteran's regular or special license plates; and amending RCW 73.04.110.

Referred to Committee on Transportation.

HB 2887 by Representatives Benson, Mielke, Schindler, Miloscia, Pearson, McMorris, Campbell, Nixon and Bush

AN ACT Relating to tax exemptions for church and church camp property; amending RCW 84.36.020 and 84.36.030; and creating a new section.

Referred to Committee on Finance.

HB 2888 by Representatives Cooper, Simpson, G., Conway, Wood, Campbell, McDermott and Ormsby

AN ACT Relating to galley services on state ferries; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 2889 by Representatives Cooper, Woods, Rockefeller, Murray, Campbell, Simpson, G., Dunshee, Chase, McDermott, Moeller, Armstrong, Conway, Sullivan, Kenney and Kagi

AN ACT Relating to galley service on Washington state ferries; adding a new section to chapter 47.60 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2890 by Representatives Moeller, Chase, Clibborn, Lovick, McCoy, Campbell, Simpson, G. and McDermott

AN ACT Relating to coverage for hearing aids and cochlear implants; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health Care.

HB 2891 by Representatives Grant and Mastin

AN ACT Relating to revising boundaries of a public utility district in incorporated territory; amending RCW 54.12.010; adding a new section to chapter 54.04 RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 2892 by Representatives Upthegrove, Schual-Berke, Simpson, G., Cairnes, Wallace, Veloria, Wood, Kenney, Morrell and Conway

AN ACT Relating to the creation of a center for advanced manufacturing; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2893 by Representatives Orcutt, Hatfield, Sump, Blake, Kristiansen and Pearson

AN ACT Relating to establishing timelines for the forest riparian easement program; and amending RCW 76.13.120.

Referred to Committee on Agriculture & Natural Resources.

HB 2894 by Representatives Wallace, Delvin, Lovick and Simpson, G.; by request of Washington State Patrol

AN ACT Relating to authorized emergency vehicles; and amending RCW 46.37.194.

Referred to Committee on Transportation.

HB 2895 by Representatives Hunt and Sullivan

AN ACT Relating to periods of license revocation, suspension, and denial imposed under RCW 46.20.3101 and 46.61.5055; amending RCW 46.61.5055; and reenacting and amending RCW 46.20.3101.

Referred to Committee on Judiciary.

HB 2896 by Representatives Hunt, Armstrong, Romero and Sullivan

AN ACT Relating to the governor's powers during an emergency; and amending RCW 43.06.010.

Referred to Committee on State Government.

HB 2897 by Representatives Hunt, Armstrong, Romero and Sullivan

AN ACT Relating to the governor's powers to temporarily close executive agencies; and adding a new section to chapter 43.06 RCW.

Referred to Committee on State Government.

HB 2898 by Representatives Hunt, Romero and Sullivan

AN ACT Relating to legal holidays and legislatively recognized days; and amending RCW 1.16.050.

Referred to Committee on State Government.

HB 2899 by Representatives Schindler, Mielke, Kristiansen, Nixon, Holmquist and Clements

AN ACT Relating to duties of utilities to serve; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35A.21 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 2900 by Representatives Schindler, Kessler, Holmquist, McMorris, McDonald, Morris, Condotta, Kristiansen, Crouse and Buck

AN ACT Relating to certification of certain specialty electrical administrators and electricians without examination; amending RCW 19.28.061; and reenacting and amending RCW 19.28.191.

Referred to Committee on Commerce & Labor.

HB 2901 by Representatives Armstrong and Condotta

AN ACT Relating to permitting retired participants to resume volunteer fire fighter, emergency worker, or reserve officer service; amending RCW 41.24.010; and adding a new section to chapter 41.24 RCW.

Referred to Committee on Local Government.

HB 2902 by Representative Armstrong

AN ACT Relating to using the address of a primary place of business as the address of a residence for voting purposes; amending RCW 29A.08.010, 29A.08.210, and 29A.08.230; adding a new section to chapter 29A.08 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 2903 by Representatives Armstrong and Hunt

AN ACT Relating to managers under the state civil service law; amending RCW 41.06.022; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 2904 by Representatives Lovick, Moeller, Kirby, McMahan and Newhouse; by request of Department of Social and Health Services

AN ACT Relating to estate adjudication for the department of social and health services; and amending RCW 11.28.330 and 11.28.340.

Referred to Committee on Judiciary.

HB 2905 by Representatives Hatfield and Jarrett

AN ACT Relating to modifying provisions for limited areas of more intensive rural development; and amending RCW 36.70A.070.

Referred to Committee on Local Government.

HB 2906 by Representatives Pettigrew, Veloria, McDonald, Priest, Hudgins, Skinner, Darneille, Eickmeyer, Simpson, D., McCoy, Wallace, Kessler, Schual-Berke, Simpson, G., Upthegrove, Wood, Kenney, Morrell, Ormsby and Conway

AN ACT Relating to increasing the funding for the linked deposit program for minority and women's business loans; and amending RCW 43.86A.030.

Referred to Committee on Appropriations.

HB 2907 by Representatives Delvin and Morris

AN ACT Relating to the treatment of confidential and proprietary information filed with the utilities and transportation commission and the attorney general; amending RCW 80.04.095; reenacting and amending RCW 42.17.310 and 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 2908 by Representatives Mielke, O'Brien, Ahern, Pearson and Boldt

AN ACT Relating to salvage vehicles; amending RCW 46.12.005 and 46.12.030; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Transportation.

HB 2909 by Representatives Murray, Simpson, G. and Lovick

AN ACT Relating to driving while fatigued; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; creating a new section; declaring an emergency; and prescribing penalties.

Referred to Committee on Transportation.

HB 2910 by Representatives Simpson, G., Cooper, Woods, Hinkle and Conway

AN ACT Relating to special license plates for professional fire fighters and paramedics; amending RCW 46.16.313 and 46.16.316; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 2911 by Representatives Kenney, Morrell, Fromhold, Cox and Darneille; by request of State Board for Community and Technical Colleges

AN ACT Relating to instructional materials for students with disabilities; adding a new section to chapter 28B.10 RCW; and prescribing penalties.

Referred to Committee on Higher Education.

HB 2912 by Representatives Schindler, Hankins, Armstrong and Mielke

AN ACT Relating to driving records furnished to private investigative and security services; and amending RCW 46.52.130.

Referred to Committee on Transportation.

HB 2913 by Representatives Hinkle and Newhouse

AN ACT Relating to the diversion of a water right; and amending RCW 90.03.380.

Referred to Committee on Agriculture & Natural Resources.

HB 2914 by Representatives Delvin, Lovick, Simpson, G. and Cooper

AN ACT Relating to removing the sixty percent cap on retirement allowances from the law enforcement officers' and fire fighters' retirement system plan 1; and amending RCW 41.26.100.

Referred to Committee on Appropriations.

HB 2915 by Representatives Fromhold, Boldt and Newhouse

AN ACT Relating to annexing park districts; and amending RCW 35.61.010 and 35.61.020.

Referred to Committee on Local Government.

HB 2916 by Representatives Condotta, McMorris, Holmquist and Crouse

AN ACT Relating to improving the accountability of Washington's industrial insurance system; adding a new section to chapter 51.04 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 2917 by Representatives Condotta, McMorris, Holmquist, Crouse and Woods

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2918 by Representatives McMorris, Condotta, Holmquist, Crouse and Woods

AN ACT Relating to improving the competitiveness of Washington's industrial insurance system; amending RCW 51.04.110, 51.16.035, 51.28.010, 51.28.055, 51.28.040, 51.32.160, 51.04.060, 51.32.220, 51.32.225, 51.36.110, 51.36.010, 51.44.010, 51.44.020, 28B.20.458, 51.32.210, 41.06.380, 51.52.050, 51.52.132, 51.52.120, and 51.52.130; reenacting and amending RCW 43.84.092 and 51.52.060; adding new sections to chapter 51.32 RCW; adding a new section to chapter 51.36 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 51 RCW; creating new sections; repealing RCW 51.16.042; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2919 by Representatives Condotta, Cooper and Hinkle

AN ACT Relating to off-road vehicle use permits; and amending RCW 46.09.070.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2920 by Representatives Pearson, Sump, Mielke, Boldt, Hinkle, Condotta and Buck

AN ACT Relating to special economic recreational fisheries; amending RCW 77.04.012, 77.04.055, and 77.12.760; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2921 by Representatives Fromhold, Conway, McIntire, Campbell, Blake and Simpson, G.

AN ACT Relating to avoiding fragmentation in bargaining units for classified school employees; and amending RCW 41.56.060.

Referred to Committee on Commerce & Labor.

HB 2922 by Representatives Cooper and Simpson, G.

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

Referred to Committee on Commerce & Labor.

HB 2923 by Representatives Ericksen, Dickerson, Sullivan, Nixon and Simpson, G.

AN ACT Relating to authorizing magnetic levitation transportation systems; amending RCW 81.104.015 and 81.104.180; adding new sections to chapter 81.104 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2924 by Representatives McDermott, Newhouse, Dickerson, Romero, Lovick, Kenney and McCoy

AN ACT Relating to a state flowering vine; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

HB 2925 by Representatives Simpson, G., Wallace, Hankins, Cooper, Lovick and Hatfield

AN ACT Relating to value pricing for limited access highway lanes; and adding new sections to chapter 47.56 RCW.

Referred to Committee on Transportation.

HB 2926 by Representatives Conway, Wood, Hudgins, Campbell, Darneille, Simpson, G., Kenney, McDermott and Ormsby

AN ACT Relating to protecting the human rights of workers to organize; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2927 by Representatives Conway and Condotta

AN ACT Relating to certificates of approval for authorized representatives of beer and wine manufacturers and distributors; and amending RCW 66.04.010, 66.24.206, 66.24.270, 66.28.010, 66.28.030, 66.28.040, 66.28.042, 66.28.043, 66.28.150, 66.28.155, 66.28.160, 66.28.170, 66.28.180, and 19.126.020.

Referred to Committee on Commerce & Labor.

HJM 4039 by Representatives Ericksen, Dickerson, Sullivan, Campbell, Nixon, Simpson, G. and Upthegrove

Requesting Congress to consider Washington for magnetic levitation transportation funding.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

January 20, 2004

HB 2298 Prime Sponsor, Representative Linville: Preventing the spread of animal diseases. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

January 21, 2004

HB 2299 Prime Sponsor, Representative Linville: Establishing a system of animal identification. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

January 20, 2004

HB 2300 Prime Sponsor, Representative Linville: Applying pesticides. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

January 20, 2004

HB 2301 Prime Sponsor, Representative Linville: Including severability clauses in commodity commission statutes. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant

Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

January 21, 2004

HB 2382 Prime Sponsor, Representative Kenney: Improving articulation and transfer between institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

January 20, 2004

HB 2485 Prime Sponsor, Representative Lantz: Revising the rate of interest on certain tort judgments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Flannigan and Kirby.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated except for HOUSE BILL NO. 2382 which was placed on the second reading calendar.

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

There being no objection, the Committee on Health Care was relieved of HOUSE BILL NO. 2490, and the bill was referred to the Committee on State Government.

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 2680, and the bill was referred to the Committee on Health Care.

There being no objection, the Committee on Judiciary was relieved of HOUSE BILL NO. 2787, and the bill was referred to the Committee on Health Care.

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

There being no objection, the House adjourned until 10:00 a.m., January 23, 2004, the 12th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

ELEVENTH DAY, JANUARY 22, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

TWELFTH DAY

House Chamber, Olympia, Friday, January 23, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chelsea Woods and Aaron Doyer. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Elaine Swigart, Thurston County Ministries in Higher Education, Campus Minister at The Evergreen State College, Olympia and moderator of the Presbytery of Olympia.

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

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 2928 by Representatives Pearson, Kristiansen, Sump, Sullivan, Mielke, Boldt, O'Brien, McCoy and Kirby

AN ACT Relating to special NASCAR license plates; amending RCW 46.16.313, 46.16.290, and 46.16.316; adding a new section to chapter 46.04 RCW; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2929 by Representatives Schoesler, Grant, Chandler, Linville, Delvin, Cairnes, Sump, Mastin, Newhouse, Morris, Holmquist, Ericksen, McDonald, Clements, Conway, Condotta, Hinkle, Skinner, Armstrong, Kristiansen, Hatfield, Kirby, Sullivan, Pearson, Shabro and Hankins

AN ACT Relating to suspending business and occupation taxation on certain businesses impacted by the ban on American beef products; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2930 by Representatives Santos, Cody, Conway, Kenney and Schual-Berke

AN ACT Relating to disallowing tax expenditures that exceed a specified limit; adding new sections to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2931 by Representatives Campbell, Schual-Berke, Rockefeller, Cody and Wallace

AN ACT Relating to using the health professions account for professional education and recruitment and retention; and amending RCW 43.70.320.

Referred to Committee on Health Care.

HB 2932 by Representatives Lantz, McMahan, Haigh, Romero, Rockefeller and Edwards

AN ACT Relating to forgiveness of election costs; and amending RCW 29A.04.410.

Referred to Committee on Local Government.

HB 2933 by Representatives Conway, Cody, Benson, Ormsby, O'Brien, Sullivan, Wood and Morrell

AN ACT Relating to clarifying collective bargaining processes for individual providers; amending RCW 74.39A.270 and 74.39A.300; adding a new section to chapter 41.04 RCW; and adding a new section to chapter 43.01 RCW.

Referred to Committee on Commerce & Labor.

HB 2934 by Representatives Wallace, Clements, Jarrett, Sump, Orcutt, Darneille, Moeller, Hudgins, Hunt, Boldt, Morrell, Campbell, Sullivan, Linville, Condotta, Newhouse, Shabro and Kenney

AN ACT Relating to ensuring that members of homeowners' associations may display the flag of the United States on their properties; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Judiciary.

HB 2935 by Representatives Bailey, Cody, O'Brien and Edwards

AN ACT Relating to fees for performing independent reviews of health care disputes; and amending RCW 43.70.235.

Referred to Committee on Health Care.

HB 2936 by Representatives Sullivan, Wallace, Blake, O'Brien, Wood, Lovick, Santos, Rockefeller and Kenney

AN ACT Relating to criminal history checks for persons having supervised and unsupervised contact with minors, developmentally disabled persons, or vulnerable adults; amending RCW 43.43.830, 43.43.834, and 43.43.838; and adding new sections to chapter 43.43 RCW.

Referred to Committee on Children & Family Services.

HB 2937 by Representatives Sullivan, Nixon, O'Brien, Ormsby, Linville and Wallace

AN ACT Relating to a special fuel tax exemption for one hundred percent biodiesel fuel; and amending RCW 82.38.030.

Referred to Committee on Transportation.

HB 2938 by Representatives Bailey, Cody, Morrell, Clibborn, Schindler, Armstrong, Woods, Schual-Berke, O'Brien, McDonald, Edwards, Wallace, Conway and Kagi

AN ACT Relating to long-term care financing; adding a new section to chapter 74.39A RCW; creating new sections; and declaring an emergency.

Referred to Committee on Health Care.

HB 2939 by Representatives Ruderman, Nixon, Miloscia, McDermott, Cooper, Wood, Sullivan, O'Brien and Rockefeller

AN ACT Relating to regulation of health care providers; amending RCW 18.71.015 and 18.71.350; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care.

HB 2940 by Representatives Simpson, G., Campbell, Cooper, Jarrett, Ormsby and Conway

AN ACT Relating to increasing leave from employment for children's educational activities; amending RCW 49.78.010, 49.78.005, and 49.78.020; adding new sections to chapter 49.78 RCW; creating a new section; and recodifying RCW 49.78.005.

Referred to Committee on Commerce & Labor.

HB 2941 by Representatives Murray, Ericksen, Hankins, Jarrett, McDermott, Rockefeller, Morris, Simpson, G., Wood, Campbell, Sommers, Armstrong, Santos, Sullivan, Wallace and Clibborn

AN ACT Relating to registration of vehicles based on residence; amending RCW 46.16.028, 46.16.040, and 46.20.205; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2942 by Representatives O'Brien, Benson, Moeller, Campbell, Dunshee, Delvin, Sullivan, Hinkle, Edwards and Linville

AN ACT Relating to creating a consumer or advocate-run mental health service delivery system; amending RCW 71.24.025 and 71.24.300; reenacting and amending RCW 71.24.015; and providing an effective date.

Referred to Committee on Health Care.

HB 2943 by Representatives O'Brien, Delvin and Lantz

AN ACT Relating to the admissibility of statements made by dependent persons; adding new sections to chapter 10.58 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2944 by Representatives Chase, Clements, Mielke, Boldt, Morrell, Upthegrove, McDonald and Conway

AN ACT Relating to excise taxation of required college textbooks; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2945 by Representatives Miloscia, Kagi, Pettigrew, Chase, Dunshee, Romero, Murray, Santos, Hunt and Rockefeller

AN ACT Relating to campaign finance reform; amending RCW 42.17.095, 42.17.640, and 42.17.020; adding a new section to chapter 82.24 RCW; adding new sections to chapter 42.17 RCW; creating new sections; repealing RCW 42.17.128; and prescribing penalties.

Referred to Committee on State Government.

HB 2946 by Representatives McMorris, Condotta, Clements, Chandler, Armstrong and Hinkle

AN ACT Relating to authorizing self-insurers to make claim decisions and actively participate in workers' compensation claims; amending RCW 51.04.020, 51.04.030, 51.04.040, 51.04.085, 51.08.040, 51.08.173, 51.14.110, 51.14.120, 51.14.130, 51.16.120, 51.24.030, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.010, 51.28.020, 51.28.030, 51.28.040, 51.28.055, 51.28.060, 51.28.070, 51.32.010, 51.32.040, 51.32.055, 51.32.060, 51.32.067, 51.32.075, 51.32.080, 51.32.095, 51.32.110, 51.32.130, 51.32.150, 51.32.160, 51.32.195, 51.32.210, 51.32.220, 51.32.225, 51.32.230, 51.32.240, 51.32.250, 51.36.010, 51.36.015, 51.36.020, 51.36.060, 51.36.070, 51.48.017, 51.48.040, 51.48.080, 51.52.050, 51.52.070, and 51.52.080; reenacting and amending RCW 51.52.060; adding new sections to chapter 51.14 RCW; repealing RCW 51.32.190; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2947 by Representatives Condotta, McMorris, Clements and Chandler

AN ACT Relating to management of claims of insolvent self-insurers; and amending RCW 51.14.077.

Referred to Committee on Commerce & Labor.

HB 2948 by Representatives Sehlin, Fromhold, Alexander, Rockefeller, Edwards, Linville, Wallace and Kagi; by request of Office of Financial Management

AN ACT Relating to fiscal impact statements on ballot measures; and amending RCW 29.79.075.

Referred to Committee on State Government.

HB 2949 by Representatives Pettigrew, McCoy, Sump, Morrell, Santos, Cairnes, Linville, Morris, Simpson, D., Sullivan, Rockefeller, Kenney and Kagi

AN ACT Relating to revising notice provisions for third party custody petitions involving the Indian child welfare act; and amending RCW 26.10.034.

Referred to Committee on Juvenile Justice & Family Law.

HB 2950 by Representatives Darneille, Delvin, Flannigan, Hankins, Veloria, Kagi, McDonald, Pettigrew, O'Brien and Morrell

AN ACT Relating to contracts for telecommunications services in correctional institutions; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2951 by Representatives Kagi, Rockefeller, Edwards and Linville

AN ACT Relating to procedures for grandparents to petition the court for visitation with a grandchild; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

HB 2952 by Representatives Alexander, Schindler, Romero, McCoy and Edwards

AN ACT Relating to leave sharing policies for local government employers; amending RCW 41.35.010 and 41.40.010; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Local Government.

HB 2953 by Representatives Morris, Crouse, Wallace, McDermott, Bush and Armstrong

AN ACT Relating to exemptions from disclosure of public records for domestic security purposes; reenacting and amending RCW 42.17.310 and 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 2954 by Representatives Conway, Bush, Campbell and Kirby

AN ACT Relating to the implementation date of existing lodging taxes; amending RCW 67.28.181 and 67.28.200; and creating a new section.

Referred to Committee on Finance.

HB 2955 by Representatives Hunter, Jarrett, Haigh, Cox, Tom, Schual-Berke, Kagi, Quall, Ruderman, Hunt, Santos, Armstrong, Nixon, O'Brien, Rockefeller, Edwards, Linville, Wallace, Conway and Morrell

AN ACT Relating to creating a joint task force on K-12 finance; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2956 by Representatives Quall, Talcott, Rockefeller, Kenney, McDermott, Upthegrove, Santos, Anderson, Ormsby, Edwards, Linville, Wallace, Morrell, Kagi and Simpson, G.

AN ACT Relating to strengthening linkages between K-12 and higher education systems; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2957 by Representatives Linville, Grant and Conway

AN ACT Relating to allowing preferences for local businesses in purchases by local governments; and amending RCW 39.30.040.

Referred to Committee on Local Government.

HB 2958 by Representatives O'Brien, Carrell, Morrell, Lantz, Lovick and Rockefeller

AN ACT Relating to missing person reports; creating new sections; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2959 by Representatives Schindler and Mielke

AN ACT Relating to modifying provisions for best available science by clarifying that the requirement to include best available science in designating and protecting critical areas is procedural rather than substantive and including criteria for the application of scientific information; and amending RCW 36.70A.172.

Referred to Committee on Local Government.

HB 2960 by Representatives Romero, Schindler, Hinkle, Rockefeller and Edwards

AN ACT Relating to the siting and designating processes of industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Local Government.

HB 2961 by Representatives Cairnes, O'Brien, Benson, Carrell, McCoy, Lovick, Hunt, Simpson, D., Campbell, Hinkle, Wood, Rockefeller, Linville, Shabro, Conway and Simpson, G.

AN ACT Relating to military leaves of absence for certain public sector military reservists and national guard members; and amending RCW 38.40.060

Referred to Committee on State Government.

HB 2962 by Representatives McMahan, Mielke and Lantz

AN ACT Relating to use of bond proceeds in public-private initiative projects; amending RCW 47.46.130; and declaring an emergency.

Referred to Committee on Transportation.

HB 2963 by Representatives McMahan and Mielke

AN ACT Relating to requiring background checks for all department of social and health services employees and contractors; and amending RCW 43.20A.710.

Referred to Committee on Children & Family Services.

HB 2964 by Representatives McMahan, Kirby and Sullivan

AN ACT Relating to excused absences for high school students; and amending RCW 28A.225.010.

Referred to Committee on Education.

HB 2965 by Representatives McMahan and Mielke

AN ACT Relating to selective service registration for male applicants for driver's licenses; and amending RCW 46.20.091.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

January 20, 2004

HB 2356 Prime Sponsor, Representative Hinkle: Allowing off-road vehicles on nonhighway roads.
Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Hatfield; O'Brien; Pearson and Simpson, D..

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2387 Prime Sponsor, Representative Carrell: Authorizing the release of patient records for the purpose of restoring state mental health hospital cemeteries. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2395 Prime Sponsor, Representative Kirby: Modifying the statute of limitations for childhood sexual abuse civil cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Kirby and Newhouse.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2403 Prime Sponsor, Representative Quall: Providing a use tax exemption for amusement and recreation services donated to or by nonprofit organizations or state or local governmental entities. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2453 Prime Sponsor, Representative Fromhold: Modifying the taxation of wholesale sales of new motor vehicles. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2473 Prime Sponsor, Representative Clibborn: Restricting possession of weapons in courthouse buildings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Kirby and Newhouse.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2499 Prime Sponsor, Representative Morris: Exempting fuel cells from sales and use taxes.
Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2547 Prime Sponsor, Representative Simpson, D.: Clarifying the property taxation of vehicles carrying exempt licenses. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 1777, and the bill was placed on the second reading calendar.

There being no objection, the Rules Committee was relieved of HOUSE JOINT MEMORIAL NO. 4031, and the joint memorial was placed on the second reading calendar.

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

THIRD READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, By House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)

Regarding state assessment standards.

There being no objection, the rules were suspended and SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195 was returned to second reading for purpose of amendment.

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

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, By House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)

Regarding state assessment standards.

The bill was read the second time.

Representative McDermott moved the adoption of the following amendment (736):

Strike everything after the enacting clause and insert the following:

**"PART 1
CERTIFICATE OF ACADEMIC ACHIEVEMENT**

NEW SECTION. Sec. 101. A new section is added to chapter 28A.655 RCW to read as follows:

CERTIFICATE REQUIREMENTS. (1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and one or more alternative means for a student to demonstrate achievement of state academic standards. The alternative means for each content area shall be comparable in rigor to the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, beginning with the graduating class of 2008, successful completion of the reading, writing, and mathematics content areas of the high school Washington assessment of student learning, or of an approved alternative means in those content areas as provided in subsection (10) of this section, shall lead to a certificate of academic achievement. The certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. The certificate of academic achievement is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2010, successful completion of the reading, writing, mathematics, and science content areas of the high school Washington assessment of student learning, or of an approved alternative means in those content areas, is required for graduation from a public high school in the state of Washington and shall lead to a certificate of academic achievement.

(4) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of section 104 of this act.

(5) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(6) Beginning with the graduating class of 2005, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four.

(7) Beginning with the graduating class of 2008, if a student takes the high school assessment but is not successful in one or more content areas required for the certificate of academic achievement, the student may retake the assessment in that content area one or more times at no cost to the student. School districts must make available to students the following options:

(a) To retake the assessment in that content area at least twice a year if the student is enrolled in a public school;

(b) To retake the assessment in that content area if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed; or

(c) To use an alternative means developed and approved by the superintendent of public instruction and authorized pursuant to subsection (10) of this section to demonstrate achievement of the standards for that content area if the student has retaken the assessment in that content area at least once.

(8) Students who achieve the standard in a content area of the high school assessment of student learning but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2005-06 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(10) Beginning no later than spring 2007, subject to formal legislative approval of the alternative means, alternative means shall be in place to demonstrate achievement of the state standards in a content area in which the student was unsuccessful on the Washington assessment of student learning. Through the omnibus appropriations act, or by statute or concurrent resolution, the legislature shall formally approve the use of any alternative means, including appeals, before its implementation as part of the high school assessment system.

(11) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection.

(a) Plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2005-06 school year ninth grade students as described in (a) of this subsection shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in (a) of this subsection shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a plan.

(i) The parent or guardian of a student described in (b) of this subsection shall be notified, through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 102. CERTIFICATE REPORTS REQUIRED ON THE CUT SCORES REQUIRED TO ACHIEVE THE CERTIFICATE, ALTERNATIVE MEANS, AND ISSUES RELATED TO VALIDITY AND RELIABILITY. (1) Before the results of the 2004 high school assessment of student learning are reported to school districts, the academic achievement and accountability commission shall review and adjust, if necessary, the performance standards needed to meet the high school standards and obtain a certificate of academic achievement as provided in section 101 of this act. The commission shall include in its review consideration of various conjunctive and compensatory score models, including the use of the standard error of measurement, into the decision regarding the award of the certificate of academic achievement. To assist in its deliberations, the commission shall seek advice from a committee that includes parents, practicing classroom teachers and principals, administrators, staff, and other interested parties.

(2) The office of the superintendent of public instruction shall develop options for implementing alternative means for students to demonstrate achievement of the state academic standards, one of which shall be an appeals option. The alternative means shall be comparable in rigor to the Washington assessment of student learning and be objective in its determination of student competency.

(a) By July 1, 2004, the office of the superintendent of public instruction shall report its recommendations for alternative means, including the use of appeals, to the governor, the state board of education, and the house of representatives and senate education committees.

(b) In its deliberations, the office of the superintendent of public instruction shall consult with parents, administrators, practicing classroom teachers including teachers in career and technical education, practicing principals, appropriate agencies, professional organizations, assessment experts, and other interested parties.

(c) Through the omnibus appropriations act, or by statute or concurrent resolution, the legislature shall formally approve the use of any alternative means, including any appeals process, before its implementation as a part of the high school assessment system.

(3) By November 30, 2004, the superintendent of public instruction and the state board of education shall provide to the house of representatives and senate education committees all available pertinent studies, information, and independent third-party analyses on the validity and reliability of the high school assessment system, especially as it pertains to the use of the system for individual student decisions.

Sec. 103. RCW 28A.230.090 and 1997 c 222 s 2 are each amended to read as follows:
CERTIFICATE OF ACADEMIC ACHIEVEMENT - STATE BOARD OF EDUCATION HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING LOCAL DETERMINATION OF INDIVIDUAL STUDENT SUCCESS. (1) The state board of education shall establish high school graduation requirements or equivalencies for students.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under section 101 of this act are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who

receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. ~~((Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.))~~

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 104. A new section is added to chapter 28A.155 RCW to read as follows:

ALTERNATE ASSESSMENTS. School districts may use assessments other than the high school Washington assessment of student learning to describe the academic standards attained by students served under this chapter for the purposes of high school graduation for students who cannot participate in the assessments, even with accommodations. When assessments other than the high school Washington assessment of student learning are used, the assessments shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter.

When assessments other than the high school Washington assessment of student learning are used for high school graduation purposes, the student's high school diploma shall state that the student has completed required high school assessments appropriate for the student.

Nothing in this section shall be construed to deny a student the right to participation in the program of assessment known as the high school Washington assessment of student learning, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

Sec. 105. RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to read as follows:

CERTIFICATE OF ACADEMIC ACHIEVEMENT - PRIVATE SCHOOL STUDENTS EXEMPTED.

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of ~~((mastery))~~ academic achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to ~~((RCW 28A.630.885))~~ section 101 of this act. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of ~~((mastery))~~ academic achievement. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) ~~((above))~~ of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 106. RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read as follows:

CERTIFICATE OF ACADEMIC ACHIEVEMENT - STUDENTS IN HOME-BASED INSTRUCTION EXEMPTED. (1) Each parent whose child is receiving home- based instruction under RCW 28A.225.010(4) shall have the duty to:

~~((1))~~ (a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15th of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

~~((2))~~ (b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

~~((3))~~ (c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of ~~((mastery))~~ academic achievement pursuant to ~~((RCW 28A.630.885))~~ section 101 of this act. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

Sec. 107. RCW 28A.230.120 and 2003 c 234 s 1 are each amended to read as follows:

HIGH SCHOOL DIPLOMAS--ISSUANCE--OPTION TO RECEIVE FINAL TRANSCRIPTS--NOTICE. (1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Diplomas shall include one of the following statements: (a) "Certificate of Academic Achievement earned," or (b) "completed required high school

assessments appropriate for the student." Districts shall grant students the option of receiving a final transcript in addition to the regular diploma.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States;

(ii) Was scheduled to graduate from high school in the years 1940 through 1955; and

(iii) Left high school before graduation to serve in World War II or the Korean conflict.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma.

Sec. 108. RCW 28A.305.220 and 1984 c 178 s 1 are each amended to read as follows:

DEVELOPMENT OF STANDARDIZED HIGH SCHOOL TRANSCRIPTS--SCHOOL DISTRICTS TO INFORM STUDENTS OF IMPORTANCE. (1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include the highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school assessment successfully completed by the student as provided by section 104 of this act. Additionally, the transcript shall record all scholar designations as provided by section 101 of this act.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 109. The superintendent of public instruction shall study the effect of the certificate of academic achievement requirement on dropout rates and report the findings to the legislature and the academic achievement and accountability commission by October 1, 2010. The superintendent of public instruction shall include any related recommendations for decreasing the dropout rate in the report.

PART 2 ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS

NEW SECTION. Sec. 201. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORT REQUIRED ON ASSESSMENTS AND OTHER OPTIONS FOR MEETING THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS IN SOCIAL STUDIES, THE ARTS, AND HEALTH AND FITNESS. By September 1, 2004, the superintendent of public instruction, after consultation with parents, practicing classroom teachers and principals, education organizations, and other interested parties, shall report to the governor, the state board of education, and the house of representatives and senate education committees with assessment options and other strategies to assure continued support and attention to the essential academic learning requirements in social studies, the arts, and health and fitness in elementary, middle, and high schools. The options shall include a recommended timeline to implement those recommendations the legislature adopts. The options may include recommendations on the design, administration, scoring, and reporting of classroom or performance-based assessments for these content areas. The options may also include local and state reporting requirements in these content areas.

NEW SECTION. Sec. 202. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORTS REQUIRED ON THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS, THE RESULTS OF INDEPENDENT RESEARCH ON ALIGNMENT AND TECHNICAL REVIEW, AND THE FEASIBILITY OF RETURNING ASSESSMENT BEFORE THE END OF THE SCHOOL YEAR. (1) Subject to available funding, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the results of independent research on the alignment and technical review of the reading, writing, and science content

areas of the Washington assessment of student learning for elementary and middle grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments and shall be reported in accordance with the following timelines:

(a) In the content areas of reading and writing by November 1, 2005; and

(b) In the content area of science by November 1, 2006.

(2) The superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the review, prioritization, and identification of the essential academic learning requirements and grade level content expectations in accordance with the following timelines:

(a) In the content areas of reading, writing, math, and science by November 1, 2004;

(b) In the content area of social studies by November 1, 2005;

(c) In the content area of the arts by November 1, 2006; and

(d) In the content area of health and fitness by November 1, 2007.

(3) By November 30, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.230 RCW to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS. By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness.

Sec. 204. RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((5))~~ (b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and

for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.

(6) By September 2006, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts information on classroom-based and other assessments that may provide additional achievement information for individual students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

~~((6))~~ (9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

~~((7))~~ (10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

~~((8))~~ (11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

~~((9))~~ (12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

Sec. 205. RCW 28A.655.030 and 2002 c 37 s 1 are each amended to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION. The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of statewide accountability, the commission shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The commission may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. ~~((The goals shall be in addition to any goals adopted in RCW 28A.655.050. The commission may also revise any goal adopted in RCW 28A.655.050.))~~ The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, obtain a certificate of academic achievement. The commission shall also determine student scores that identify levels of student performance below and beyond the standard. The commission shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificate of academic achievement. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. Beginning in 2005, if the commission makes any adjustment of the student performance standards, then the commission shall present the recommended performance standard to the education committees of the house of representatives and the senate by November 30th of the year before the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. Any new or revised performance standard the commission plans to use for 2004 assessments shall be presented to the legislature by January 1, 2004;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature ~~((under RCW 28A.655.050))~~ and by the commission under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the commission shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving ~~((the reading goal under RCW 28A.655.050 and any additional))~~ goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction; and

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; and

(1) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 206. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - RCW 28A.655.060 REPEALED. RCW 28A.655.060 (Essential academic learning requirements--Statewide academic assessment system-- Certificate of mastery--Educational pathways--Accountability--Reports and recommendations--Washington commission on student learning, creation and expiration) and 2001 2nd sp.s. c 20 s 1, 1999 c 373 s 501, 1998 c 225 s 1, & 1997 c 268 s 1 are each repealed.

PART 3 MISCELLANEOUS

NEW SECTION. Sec. 301. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 302. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 303. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 28A.230.090, 28A.195.010, 28A.200.010, 28A.230.120, 28A.305.220, 28A.655.070, and 28A.655.030; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.230 RCW; creating new sections; repealing RCW 28A.655.060; and declaring an emergency."

Representative McDermott moved the adoption of amendment (748) to amendment (736):

On page 1, line 13 of the amendment, after "rigor to" insert "the skills and knowledge that the student must demonstrate on"

On page 5, line 2 of the amendment, after "rigor to" insert "the skills and knowledge that the student must demonstrate on"

On page 5, line 3 of the amendment, after "student" strike "competency" and insert "achievement of the state standards"

Representatives McDermott and Talcott spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Talcott moved the adoption of amendment (744) to amendment (736):

On page 1, line 24 of the amendment, strike "The" and insert "With the exception of students satisfying the provisions of section 104 of this act, the"

On page 1, line 26 of the amendment, after "2010," insert "with the exception of students satisfying the provisions of section 104 of this act,"

On page 7, beginning on line 7 of the amendment, strike all material through "student." on line 19 and insert "CERTIFICATE OF COMPLETION. Students served under this chapter, who cannot participate in the high school Washington assessment of student learning including alternative means, even with accommodations, may earn a certificate of completion using multiple ways to demonstrate skills and abilities commensurate with their individual education plans. For these students, the certificate of completion is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school Washington assessment of student learning are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the criteria for determining which students cannot participate in the assessment and shall be eligible to obtain a certificate of completion.

When measures other than the high school Washington assessment of student learning are used for high school graduation purposes, the student's high school diploma shall state that the student has earned a certificate of completion."

On page 6, line 2 of the amendment, after "act" insert "or the certificate of completion requirements under section 104 of this act"

On page 11, line 23 of the amendment, after "(b)" strike all material through "student" on line 24 and insert "Certificate of Completion earned"

On page 12, line 26 of the amendment, strike "assessment" and insert "measures"

Representatives Talcott, McDermott, Shabro, McMahan and Rockefeller spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative McDermott moved the adoption of amendment (750) to amendment (736):

On page 3, at the beginning of line 6 of the amendment, strike "2005-06" and insert "2004-05"

Representatives McDermott and Talcott spoke in favor of the adoption of the amendment to the amendment

The amendment to the amendment was adopted.

Representative McDermott moved the adoption of amendment (749) to amendment (736):

On page 3, line 28 of the amendment, strike "2005-06" and insert "2004-05"

Representatives McDermott and Tom spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative McDermott moved the adoption of amendment (742) to amendment (736):

On page 5, line 19 of the amendment, insert the following "(3) By September 15, 2004, the superintendent of public instruction shall develop recommendations on the best practices that may be used with students who need additional assistance to meet the requirements of the certificate of academic achievement."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives McDermott and Talcott spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Upthegrove moved the adoption of amendment (747) to the amendment:

On page 7, after line 24, insert the following:

NEW SECTION. Sec. 105. A new section is added to chapter 28A.180 RCW to read as follows:

The office of the superintendent of public instruction and the state board for community and technical colleges shall jointly develop a program plan to provide a continuing education option for students who are eligible for the state transitional bilingual program and who need more time to develop language proficiency but who are more age-appropriately suited for a post-secondary learning environment than for a high school. In developing the plan, the superintendent of public instruction shall consider options to formally recognize the accomplishments of students in the state transitional bilingual program who have completed the twelfth grade but have not earned a certificate of academic achievement. By December 1, 2004, the agencies shall report to the legislative education and fiscal committees with any recommendations for legislative action and any resources necessary to implement the plan.

NEW SECTION. Sec. 106. A new section is added to chapter 28A.180 RCW to read as follows:

(1) Students who are eligible for the state transitional bilingual program and who have limited English proficiency shall have access to the following:

(a) The learning plans under section 101 of this act;

(b) Multiple opportunities to retake the high school assessment of student learning offered during the eleventh and twelfth grades through the school district until the student reaches the age of twenty-one or through a high school completion program offered in a community college or technical college; and

(c) The opportunity to demonstrate academic achievement through an alternative means or appeals, as provided under section 101 of this act.

(2) School districts shall provide assistance to these students through the transitional bilingual program and through other programs supported with state, federal, or local funds."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Upthegrove and Skinner spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Lantz moved the adoption of amendment (746) to amendment (736):

On page 13, beginning on line 15 of the amendment, after "FITNESS." strike everything through "areas." on line 29 and insert "(1) A comprehensive education involves the entire domain of human knowledge to participate productively in our democratic society. All Washington students should have some appreciation of mathematical and scientific principles and structures, a broad awareness of social, economic and political systems and developments and an appreciation of the arts and humanities, and the elements of good personal health.

(2) By September 1, 2004, the superintendent of public instruction, after consultation with parents, practicing classroom teachers and principals, education organizations, and other interested parties, shall report to the governor, the state board of education, and the house of representatives and senate education committees regarding state classroom-based assessment models, other assessment options and/or other strategies approved by the superintendent of public instruction to assure continued support and attention to the essential academic learning requirements in social studies, the arts, and health and fitness in elementary, middle, and high schools. The options shall include a recommended timeline to implement those recommendations the legislature adopts. The options may include recommendations on the design, administration, scoring, and reporting of classroom or performance-based assessments for these content areas. The report shall outline progress regarding:

(a) The development of the state classroom-based assessment models, other assessments, and/or other strategies;

(b) Plans for staff development; and

(c) The funding resources necessary to fully implement the recommendations.

(3) All classroom-based assessment models shall be designed in consultation with practicing classroom teachers.

(4) The classroom-based assessment models, other assessment options, and/or other strategies shall be available for voluntary use beginning with the 2005-06 school year."

On page 15, line 3 of the amendment, after "fitness." insert "Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction."

Representatives Lantz and Quall spoke in favor of the adoption of the amendment to the amendment.

Representative Talcott spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Talcott moved the adoption of amendment (745) to amendment (736):

On page 17, line 4 of the amendment, after "districts" strike "information" and insert ":

(a) Information"

On page 17, line 5 of the amendment, after "students" insert "; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students"

Representatives Talcott and McDermott spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative McDermott moved the adoption of amendment (743) to amendment (736):

On page 18, line 28 of the amendment, after "Beginning in" strike "2005" and insert "2004"

On page 18, line 34 of the amendment, after "legislature" strike everything through "2004" on line 37.

Representatives McDermott and Tom spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives McDermott and Talcott spoke in favor of the adoption of the amendment (736) as amended.

The amendment (736) as amended was adopted. The bill was ordered engrossed.

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

MOTION

On motion of Representative Santos, Representative Morris was excused.

Representatives Quall, Talcott, Haigh, Anderson, Rockefeller, Tom, Santos, Talcott (again), Schindler and Armstrong spoke in favor of passage of the bill.

Representatives Clements and Bush spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Third Engrossed Substitute House Bill No. 2195.

ROLL CALL

The Clerk called the roll on the final passage of Third Engrossed Substitute House Bill No. 2195 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Bush and Clements - 2.

Excused: Representative Morris - 1.

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 2382 was referred to the Committee on Appropriations.

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

There being no objection, the House adjourned until 10:00 a.m., January 26, 2004, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

TWELFTH DAY, JANUARY 23, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY

House Chamber, Olympia, Monday, January 26, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shawn Franks and Emily Kirkpatrick. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Envoy Alan Carlson, The Salvation Army, Olympia Corp.

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

INTRODUCTION & FIRST READING

HB 2966 by Representatives Ahern, Lovick, Wallace, Boldt, Ormsby, Delvin, Benson, O'Brien, Bush, Campbell, Rockefeller and Chase

AN ACT Relating to the penalty for failure to provide proof of motor vehicle insurance; amending RCW 46.30.020 and 46.63.020; and prescribing penalties.

Referred to Committee on Transportation.

HB 2967 by Representatives Schoesler, Cox, Rodne, Simpson, G., Bush, Ahern, Campbell, Roach, Clements, Armstrong, Holmquist, McMahan, Pearson, Orcutt, Woods, Condotta, Anderson and Newhouse

AN ACT Relating to mandatory sentences for sex crimes against minors; amending RCW 9.94A.533, 9.94A.533, and 9.94A.475; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2968 by Representatives Linville, Quall and Rockefeller

AN ACT Relating to excise tax deductions for governmental payments to nonprofit organizations for salmon restoration; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 2969 by Representatives O'Brien, Miloscia, Lovick, Linville, McDonald, Simpson, D. and Rockefeller

AN ACT Relating to expanding the convicted offender DNA data base; amending RCW 43.43.754; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2970 by Representatives Clements, Chandler and Crouse

AN ACT Relating to rate-based user charges for municipal water, sewer, natural gas, and drainage services; and amending RCW 35.58.220, 35.67.020, 35.92.020, 36.89.080, 36.94.140, 53.08.040, 57.08.005, and 82.02.020.

Referred to Committee on Local Government.

HB 2971 by Representatives Morris, Crouse, Sullivan, Nixon, Ruderman, Anderson, Hudgins, Bush, Wood, McMorris, McDonald, Linville, Quall, Rockefeller and Kagi

AN ACT Relating to providing incentives for the voluntary option for retail electric customers to purchase qualified alternative energy resources from their electric utility suppliers; amending RCW 82.16.0491; reenacting and amending RCW 19.29A.090; adding new sections to chapter 82.16 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2972 by Representatives Cooper, Hankins, Simpson, G., Wood and Upthegrove

AN ACT Relating to motor vehicle fuel handling losses; and repealing RCW 82.36.029.

Referred to Committee on Transportation.

HB 2973 by Representatives Hankins, Cooper, Simpson, G., Wood, Campbell, Nixon, Rockefeller and Kagi

AN ACT Relating to the enforcement of traffic laws; adding a new section to chapter 46.64 RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2974 by Representatives Cooper, Hankins, Simpson, G., Wood and Chase

AN ACT Relating to fuel tax payments; amending RCW 82.36.035 and 82.38.160; repealing RCW 82.36.405 and 82.38.289; and providing an effective date.

Referred to Committee on Transportation.

HB 2975 by Representatives Hankins, Cooper, Simpson, G. and Wood

AN ACT Relating to transportation funding; adding a new section to chapter 46.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2976 by Representatives Hankins, Cooper, Simpson, G., Quall, Rockefeller and Chase

AN ACT Relating to exempting ferry fuel used by Washington state ferries from excise taxes; amending RCW 82.38.080, 82.08.0255, and 82.12.0256; and providing an effective date.

Referred to Committee on Transportation.

HB 2977 by Representatives Hankins, Cooper and Simpson, G.

AN ACT Relating to redistributing a portion of motor vehicle fuel taxes and license fees; amending RCW 46.68.080; and providing an effective date.

Referred to Committee on Transportation.

HB 2978 by Representatives Murray, Morris, Quall, Linville, Chase, Dickerson, Eickmeyer, Simpson, G., Morrell, Rockefeller, Kagi and Uptegrove

AN ACT Relating to public confidence in election results; amending RCW 29A.12.020, 29A.12.050, 29A.12.080, 29A.12.100, 29A.44.250, 29A.60.060, 29A.60.110, 29A.60.170, 29A.60.210, 29A.60.230, 29A.64.010, 29A.64.020, 29A.64.090, 29A.04.007, and 29A.04.019; reenacting and amending RCW 42.17.2401; adding new sections to chapter 29A.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 2979 by Representatives Kessler and Buck

AN ACT Relating to clarifying authority regarding ground water withdrawals; and amending RCW 19.27.097.

Referred to Committee on Agriculture & Natural Resources.

HB 2980 by Representatives Kessler, Lantz, Hinkle, McCoy, Newhouse, Veloria, Dunshee, O'Brien, Blake, Buck, Hatfield and Chase

AN ACT Relating to economic development of historic county courthouses; adding a new section to chapter 27.34 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Trade & Economic Development.

HB 2981 by Representatives Condotta, Grant, Ahern, Clements, Holmquist, Woods, Chandler, McMorris and Crouse

AN ACT Relating to the exclusive authority of the state to establish minimum wage and hour standards; amending RCW 49.46.120; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2982 by Representatives Schoesler, Hinkle and Newhouse

AN ACT Relating to use classifications for irrigation district conveyance and drainage facilities; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2983 by Representatives Newhouse, Hinkle and Schoesler

AN ACT Relating to providing a definition of state waters for RCW 77.55.100; and amending RCW 77.55.100.

Referred to Committee on Fisheries, Ecology & Parks.

HB 2984 by Representatives Shabro, Kagi, Bush, Darneille, Dickerson, Roach, Rodne, Bailey, Boldt, Campbell, Nixon, McDonald, Kenney, Armstrong, Woods, Chase and Hunter

AN ACT Relating to child fatality reviews for children involved in the child welfare system; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 2985 by Representatives Cody, Campbell, Kenney, Dickerson and Rockefeller

AN ACT Relating to health insurance for retired and disabled public employees; amending RCW 41.04.208; repealing 2002 c 319 s 5 (uncodified); and declaring an emergency.

Referred to Committee on Health Care.

HB 2986 by Representatives Roach, Talcott, Rodne, Shabro, Schoesler, Nixon, Campbell, Woods and Anderson

AN ACT Relating to eliminating Washington estate tax on estates below the federal estate tax liability filing threshold; amending RCW 83.100.020; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2987 by Representatives Roach, Simpson, G., Dunshee, Murray, Anderson, Hatfield, Cairnes, Delvin, Buck and Woods

AN ACT Relating to underinsured motorist coverage; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions & Insurance.

HB 2988 by Representatives Boldt, Clements, Pearson, Bailey and McMahan

AN ACT Relating to foster parents' rights; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 2989 by Representatives Anderson, Rockefeller, Cox, Quall, McMahan, Haigh, Benson, Miloscia, Eickmeyer, Lovick, Boldt, McDonald, Rodne and Morrell

AN ACT Relating to teaching skills to strengthen family communication and relationship skills; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2990 by Representatives Newhouse, Carrell, McMahan, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Condotta and Nixon

AN ACT Relating to civil liability reform; and amending RCW 46.61.688.

Referred to Committee on Judiciary.

HB 2991 by Representatives Carrell, McMahan, Newhouse, Benson, Boldt, Alexander, Bailey, Schindler, Holmquist, McDonald, Kristiansen, Roach, Cairnes, Woods and Condotta

AN ACT Relating to civil liability reform; amending RCW 4.56.250, 7.70.070, 7.70.100, 4.16.350, 7.70.080, 7.70.060, 4.24.250, 43.70.510, 70.41.200, 43.70.110, and 43.70.250; adding

new sections to chapter 4.56 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; adding new sections to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2992 by Representatives Newhouse, Carrell, McMahan, Benson, Bush, Campbell, Schoesler, Boldt, Schindler, Holmquist, McDonald, Kristiansen, Roach, Cairnes, Woods, Condotta and Nixon

AN ACT Relating to civil liability reform; amending RCW 4.22.070 and 4.22.015; and creating a new section.

Referred to Committee on Judiciary.

HB 2993 by Representatives Newhouse, Carrell, McMahan, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods, Condotta and Nixon

AN ACT Relating to civil liability reform; amending RCW 4.56.115, 4.56.110, and 19.52.025; and creating a new section.

Referred to Committee on Judiciary.

HB 2994 by Representatives Newhouse, Carrell, McMahan, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods, Condotta and Nixon

AN ACT Relating to civil liability reform; and adding a new section to chapter 7.72 RCW.

Referred to Committee on Judiciary.

HB 2995 by Representatives Carrell, Newhouse, McMahan, Benson, Rodne, Schoesler, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods, Condotta, Anderson and Nixon

AN ACT Relating to civil liability reform; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2996 by Representatives McMahan, Newhouse, Carrell, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods and Condotta

AN ACT Relating to civil liability reform; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2997 by Representatives McMahan, Carrell, Newhouse, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods and Condotta

AN ACT Relating to civil liability reform; amending RCW 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; and creating new sections.

Referred to Committee on Judiciary.

HB 2998 by Representatives McMahan, Newhouse, Carrell, Benson, Boldt, Bailey, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods and Condotta

AN ACT Relating to civil liability reform; and amending RCW 51.24.035 and 4.16.300.

Referred to Committee on Judiciary.

HB 2999 by Representatives McMahan, Carrell, Newhouse, Benson, Boldt, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Woods and Condotta

AN ACT Relating to civil liability reform; and adding a new section to chapter 7.70 RCW.

Referred to Committee on Judiciary.

HB 3000 by Representatives McMahan, Carrell, Newhouse, Benson, Boldt, Schindler, Holmquist, Kristiansen, Cairnes, Woods and Condotta

AN ACT Relating to civil liability reform; and adding a new section to chapter 7.72 RCW.

Referred to Committee on Judiciary.

HB 3001 by Representatives Pettigrew, Boldt, Flannigan, Bailey, Kagi, Clibborn, Shabro, McDermott, Dickerson, Miloscia, Darneille, Roach, O'Brien, Morrell, Santos, Linville, Lantz, Wood and Chase

AN ACT Relating to authorization to consent to medical care for minors; adding a new section to chapter 74.13 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 3002 by Representatives Cooper, Lovick, Romero and Chase; by request of Washington State Patrol

AN ACT Relating to regulation of outdoor burning; adding a new section to chapter 48.48 RCW; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 3003 by Representatives Boldt, Ahern, Mielke and Orcutt

AN ACT Relating to the payment of excise taxes; and amending RCW 82.32.045, 82.23B.020, and 82.27.060.

Referred to Committee on Finance.

HB 3004 by Representatives Miloscia and Rockefeller

AN ACT Relating to campaign finance reform; amending RCW 42.17.020, 42.17.103, 42.17.640, and 42.36.040; and adding new sections to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 3005 by Representatives Miloscia, Simpson, G. and Boldt

AN ACT Relating to state agency contract accountability; amending RCW 28B.10.350, 28B.50.330, 39.04.155, 39.80.050, 43.19.1906, 79.10.140, 43.78.110, 43.105.041, 47.28.090, 47.56.030, and 77.12.210; reenacting and amending RCW 28B.10.029 and 79A.05.030; and adding a new section to chapter 43.41 RCW.

Referred to Committee on State Government.

HB 3006 by Representative Sommers; by request of Office of Financial Management

AN ACT Relating to submitting budget requests to the director of financial management; and amending RCW 43.88.030.

Referred to Committee on Appropriations.

HB 3007 by Representatives Cody and Skinner; by request of Department of Social and Health Services

AN ACT Relating to home and community care services; amending RCW 74.09.520, 74.39A.009, 74.39A.030, 74.39A.090, and 74.39A.095; creating a new section; and repealing RCW 74.39.030.

Referred to Committee on Health Care.

HB 3008 by Representatives Cooper, Kristiansen, Sullivan, Campbell and Pearson

AN ACT Relating to highways of statewide significance; and amending RCW 47.05.022.

Referred to Committee on Transportation.

HB 3009 by Representatives Schindler, Boldt and McMahan

AN ACT Relating to prohibiting cities or towns from imposing land use controls outside their jurisdiction through utility agreements; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35A.21 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 3010 by Representatives Schindler, Mielke, Boldt and Wood

AN ACT Relating to reducing congestion during traffic emergencies; amending RCW 46.61.165 and 47.52.025; adding a new section to chapter 47.52 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 3011 by Representatives Woods and Cairnes

AN ACT Relating to exclusion of permit costs from excise taxation; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 3012 by Representatives Woods, Murray, Cooper, Lantz, McMahan, Dickerson, Rockefeller and Chase

AN ACT Relating to passenger-only ferry service; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 3013 by Representatives Woods, Bailey, Ericksen and McMahan

AN ACT Relating to utilities and transportation commission approval of passenger-only ferry service; amending RCW 81.84.020; and declaring an emergency.

Referred to Committee on Transportation.

HB 3014 by Representatives Woods, Murray, Cooper, Lantz, McMahan and Rockefeller

AN ACT Relating to Seattle-Bremerton ferry service; adding a new section to chapter 47.60 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 3015 by Representatives Orcutt, Sump, Hunt, Kristiansen, Schoesler and Boldt

AN ACT Relating to establishing timelines for the forest riparian easement program; amending RCW 76.13.120; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 3016 by Representatives Boldt, Mielke and Orcutt

AN ACT Relating to accounting methods for excise tax purposes; amending RCW 82.04.090, 82.08.100, and 82.12.070; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

HB 3017 by Representatives Miloscia, Linville, Haigh, Grant, O'Brien, Morrell, Santos, Kenney, Lantz and Rockefeller

AN ACT Relating to establishing priorities of government; adding new sections to chapter 43.41 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 2.04 RCW; and creating a new section.

Referred to Committee on State Government.

HB 3018 by Representatives Orcutt, Benson, Jarrett, Simpson, G., Campbell, Boldt, Rockefeller and Chase

AN ACT Relating to veterans' license plates; amending RCW 46.16.290, 46.16.313, and 46.16.316; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 3019 by Representatives Condotta, Holmquist, McMorris, Crouse, Clements, Boldt, Schindler and Woods

AN ACT Relating to liability for industrial insurance premiums of subcontractors; and amending RCW 51.12.050 and 51.12.070.

Referred to Committee on Commerce & Labor.

HB 3020 by Representatives Cooper, Rockefeller, Kagi, Sullivan, Chase, Simpson, G., Simpson, D., Lantz, Dickerson, Lovick and Upthegrove

AN ACT Relating to oil spill management; amending RCW 88.40.025, 88.46.010, 90.56.010, 88.46.160, and 90.56.210; and adding a new section to chapter 88.46 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 3021 by Representatives Rockefeller, Cooper, Chase, Sullivan, Kagi, Simpson, G., Simpson, D., Lantz, Lovick and Upthegrove

AN ACT Relating to oil spill prevention and response; amending RCW 90.56.005 and 90.71.050; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

HB 3022 by Representatives Holmquist, Cairnes, Schoesler, Hinkle, Newhouse, Boldt, Linville and Pearson

AN ACT Relating to property tax exemptions for farmers; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 3023 by Representatives Holmquist, Hinkle, Ahern, Rodne, Boldt, Armstrong, McMahan, Condotta and Anderson

AN ACT Relating to the oath of office; amending RCW 2.04.080, 2.06.085, 2.08.080, 2.08.180, 2.24.020, 3.34.080, 3.50.097, 28A.330.060, 28A.343.360, 35.20.180, and 43.01.020; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government.

HB 3024 by Representatives Holmquist, Linville, Chandler, Grant, Orcutt, Armstrong, Schoesler, Condotta, Newhouse, Hinkle, Kristiansen and Pearson

AN ACT Relating to a limitation on state-owned farmland in reclamation project irrigation districts; and amending RCW 89.12.090.

Referred to Committee on Agriculture & Natural Resources.

HB 3025 by Representatives Talcott, Mielke, Bailey, Woods, Rodne, Nixon, Schindler, McMahan, Condotta and Anderson

AN ACT Relating to verification that applicants for driver's licenses, permits, and identicards are lawfully within the United States; amending RCW 46.20.031, 46.20.117, 46.20.181, and 46.20.207; reenacting and amending RCW 46.20.055 and 46.20.070; adding new sections to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 3026 by Representatives O'Brien, Mielke, Darneille, Ahern, Pearson, Nixon and Linville

AN ACT Relating to fair competition in correctional industries; amending RCW 72.09.070, 72.09.100, 72.09.460, 72.09.015, 34.05.030, and 34.05.030; reenacting and amending RCW 72.09.100 and 28B.10.029; adding a new section to chapter 72.09 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Criminal Justice & Corrections.

HB 3027 by Representatives Conway, Wood, Hudgins, McCoy, Morrell, Kenney and Simpson, G.

AN ACT Relating to repetitive motion injury notices; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

HB 3028 by Representatives Quall, Morris, Jarrett, Hinkle, Linville, Bailey, McDermott and Simpson, G.

AN ACT Relating to accessory dwelling units in rural counties; and amending RCW 43.63A.215.

Referred to Committee on Local Government.

HB 3029 by Representatives Fromhold, Kenney, Moeller, Quall, Lovick, Sommers, Santos, Lantz, Conway and Upthegrove

AN ACT Relating to use of Mexican consular photo identification cards for identification purposes; amending RCW 46.20.035; adding a new section to chapter 46.20 RCW; adding a new section to chapter 30.04 RCW; adding a new section to chapter 30.38 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 31.45 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 3030 by Representatives Carrell, Bailey, Benson, Boldt, McDonald, Alexander, Ahern, Schindler, Holmquist, McMahan, Pearson, Kristiansen, Roach, Cairnes, Woods, Condotta and Bush

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 4.56.115, 4.56.110, 19.52.025, 4.56.250, 7.70.070, 7.70.100, 4.16.350, 7.70.080, 7.70.060, 4.24.250, 43.70.510, 70.41.200, 43.70.110, 43.70.250, 51.24.035, 4.16.300, 46.61.688, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; adding new sections to chapter 4.24 RCW; adding new sections to chapter 4.56 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; adding new sections to chapter 43.70 RCW; adding new sections to chapter 7.72 RCW; and creating new sections.

HB 3031 by Representatives McDermott, Dickerson, Santos, Kenney, Simpson, D., Quall, Conway and Kagi

AN ACT Relating to certification of teachers of the deaf and hard of hearing; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Education.

HB 3032 by Representatives McDermott, Dickerson, Santos, Kenney, Simpson, D., Wood and Kagi

AN ACT Relating to education for children who are deaf and hard of hearing; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

HB 3033 by Representatives Chandler, Grant, Schoesler and Armstrong

AN ACT Relating to the agricultural use of water; amending RCW 90.03.380; adding new sections to chapter 90.44 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 3034 by Representatives Darneille and O'Brien

AN ACT Relating to selling or leasing contaminated property; amending RCW 64.44.010, 64.44.030, 64.44.050, 46.55.120, 46.55.130, and 70.105D.070; adding a new section to chapter 64.44 RCW; and prescribing penalties.

Referred to Committee on Fisheries, Ecology & Parks.

HB 3035 by Representatives Darneille, Benson, Rodne, Hunt, Romero, O'Brien, Simpson, G., Morrell, Linville, Fromhold, Lovick, Conway, Rockefeller, Chase and Lantz

AN ACT Relating to compensation and benefits for state employees on active military duty; and amending RCW 38.40.060.

Referred to Committee on State Government.

HJR 4216 by Representatives Jarrett, Conway, Skinner, Kirby, Hankins, Hunt, Mastin, Morris, Santos, Delvin, Kessler, Armstrong, Lantz, Kenney, Chase and Kagi

Amending the Constitution to allow four year excess tax levies for metropolitan park districts and library districts.

Referred to Committee on Local Government.

HJR 4217 by Representatives Orcutt, Simpson, G. and Linville

Providing for a constitutional amendment to permit legislators to reject salary increases.

Referred to Committee on State Government.

HJR 4218 by Representatives Holmquist, Boldt, Cairnes, Schindler, McDonald, Newhouse, Condotta, Ahern, McMorris and Hinkle

Amending the Constitution to require voter approval of taxes.

Referred to Committee on Finance.

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

MOTION

Representative Carroll moved that the rules be suspended, and that HOUSE BILL NO. 3030 be advanced to second reading.

Representative Carrell spoke in favor of the motion.

Representative Hatfield spoke against the motion.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of the motion to suspend the rules and advance House Bill No. 3030 to second reading.

MOTIONS

On motion of Representative Santos, Representatives Morris and Flannigan were excused. On motion of Representative Clements, Representatives Skinner and Condotta were excused.

ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and advance House Bill No. 3030 to second reading, and the motion not adopted by the following vote: Yeas - 44, Nays - 50, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, B., Clements, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump, Talcott, Tom and Woods - 44.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, H., Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Excused: Representatives Condotta, Flannigan, Morris and Skinner - 4.

There being no objection, HOUSE BILL NO. 3030 was referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

January 22, 2004

SHB 1019 Prime Sponsor, Committee On State Government: Protecting the identity of electronic toll payers. Reported by Committee on State Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 21, 2004

HB 2340 Prime Sponsor, Representative Morris: Regarding electrical transmission. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Do not pass. Signed by Representatives Delvin; Kirby; McMorris and Romero.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2344 Prime Sponsor, Representative Alexander: Managing the motor pool within the department of general administration. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

January 22, 2004

HB 2354 Prime Sponsor, Representative Kristiansen: Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2415 Prime Sponsor, Representative Haigh: Defining veteran for certain purposes. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 23, 2004

HB 2437 Prime Sponsor, Representative Morrell: Improving transfer to four-year institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2439 Prime Sponsor, Representative Conway: Providing for apprenticeship utilization requirements on public works projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2469 Prime Sponsor, Representative Simpson, G.: Authorizing certain state agencies to purchase prescription drugs from Canadian wholesalers and pharmacies. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander; Benson; Rodne and Skinner.

Referred to Committee on Appropriations.

January 20, 2004

HB 2489 Prime Sponsor, Representative Cooper: Concerning nonhighway and off-road vehicles.
Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Hatfield; O'Brien; Pearson and Simpson, D..

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2509 Prime Sponsor, Representative McCoy: Correcting certain references dealing with unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 23, 2004

HB 2546 Prime Sponsor, Representative McIntire: Modifying high technology and research and development tax incentive provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2623 Prime Sponsor, Representative Conway: Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2624 Prime Sponsor, Representative Wood: Providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 22, 2004

HB 2625 Prime Sponsor, Representative McCoy: Retaining fees for mobile/manufactured homes and factory built housing and commercial structures. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

There being no objection, HOUSE BILL NO. 2546 was placed on the second reading calendar.

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

SECOND READING

HOUSE JOINT MEMORIAL NO. 4031, By Representatives Conway, McIntire, Kenney, Wood, Santos, Chase, Murray, Sullivan, Simpson, G., McDermott, Morrell, Kagi, Darneille and Hudgins

Urging extension of temporary extended unemployment compensation.

The joint memorial was read the second time.

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

Representatives Conway, McMorris, Clements, Hudgins, Kenney and McCoy spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4031.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4031 and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Flannigan, Morris and Skinner - 3.

HOUSE JOINT MEMORIAL NO. 4031, having received the necessary constitutional majority, was declared passed.

There being no objection, the Committee on Commerce & Labor was relieved of further consideration on HOUSE BILL NO. 2892, and the bill was referred to the Committee on Trade, Economic & Development.

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

There being no objection, the House adjourned until 9:55 a.m., January 27, 2004, the 16th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FIFTEENTH DAY, JANUARY 26, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 27, 2004

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

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

MESSAGE FROM THE SENATE

January 26, 2004

Mr. Speaker:

The Senate passed SENATE BILL NO. 5052, and the same is herewith transmitted.
Milt H. Doumit, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4679, By Representatives Jarrett, Pettigrew, Clibborn, Tom and Woods

WHEREAS, There are 210 local Chambers of Commerce in the state of Washington representing approximately 55,000 small businesses which, in turn, employ over 2,800,000 citizens; and

WHEREAS, Washington State Chambers raise over \$25,000,000 annually for local community enrichment projects, involving more than 15,000 volunteers who give generously of their time and talent; and

WHEREAS, Washington State Chambers managed in excess of 3,000,000 visitor and relocation inquiries last year, and at the same time served over 35,000 businesses seeking information about locating their companies in our state; and

WHEREAS, Chambers of Commerce across Washington State have served their local communities with distinction, dedication, and dignity, enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize the invaluable work local Chambers of Commerce provide both the economy and the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the United States Chamber of Commerce in Washington, D.C.

HOUSE RESOLUTION NO. 4679 was adopted.

HOUSE RESOLUTION NO. 2004-4680, By Representatives Miloscia, Schindler, Linville, Upthegrove, McDermott, Talcott and Anderson

WHEREAS, Catholic educators have been teaching in Washington state for more than one hundred forty years, beginning with the Sisters of Providence at Fort Vancouver; and

WHEREAS, More than twenty-eight thousand students currently receive their education in the ninety-one elementary and secondary Catholic schools in the state of Washington; and

WHEREAS, The dedicated men and women who teach at and administer these schools produce academically strong students who also commit themselves to service; and

WHEREAS, Catholic schools have trained many of the finest leaders in professions and occupations throughout this state and nation; and

WHEREAS, Several Catholic schools have been recognized by the United States Department of Education as "Schools of Excellence"; and

WHEREAS, All Catholic schools around the entire country are celebrating "Catholic Schools 2004: where "A Faith-Filled Future";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Catholic Schools of Washington state and honor their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, January 25 through January 31, 2004; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, and the Diocese of Yakima.

HOUSE RESOLUTION NO. 4680 was adopted.

HOUSE RESOLUTION NO. 2004-4681, By Representatives Schoesler and Haigh

WHEREAS, The 4-H Youth Development Program of Washington State University has helped young people in Washington develop useful "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, communication, and decision-making skills; and

WHEREAS, 80,000 young people throughout Washington participated in 4-H Youth Development Programs in 2003; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide education program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government program focused this year on global education and the value of understanding diverse international and cultural perspectives; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues; and

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk to Pat Boyes, the State 4-H Director for the Washington 4-H Youth Development Program.

HOUSE RESOLUTION NO. 4681 was adopted.

INTRODUCTION & FIRST READING

HB 3036 by Representatives Hunter, Cairnes, Roach and Nixon

AN ACT Relating to gift certificates; amending RCW 63.29.010, 63.29.020, 63.29.140, and 63.29.170; adding a new chapter to Title 19 RCW; creating a new section; and providing effective dates.

Referred to Committee on Finance.

HB 3037 by Representatives Simpson, G., Delvin, Cooper, Hankins, Campbell and Chase

AN ACT Relating to making employees entitled to accrue seniority benefits while on family leave; amending RCW 49.78.005 and 49.78.080; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3038 by Representatives Nixon and Upthegrove

AN ACT Relating to the definition of the term "conviction" in chapter 77.15 RCW; and amending RCW 77.15.050.

Referred to Committee on Fisheries, Ecology & Parks.

HB 3039 by Representatives Delvin, Boldt, Kagi and Kenney

AN ACT Relating to evaluation for identification of long-term needs of children entering the foster care system; and amending RCW 74.14A.050.

Referred to Committee on Children & Family Services.

HB 3040 by Representatives Delvin, Crouse, McMahan and Schoesler

AN ACT Relating to mitigating carbon dioxide emissions resulting from fossil-fueled electrical generation; adding a new section to chapter 70.94 RCW; and adding a new section to chapter 80.50 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 3041 by Representatives Clements, Chandler and Newhouse

AN ACT Relating to a property tax exemption for certain land zoned or designated for agricultural use; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 3042 by Representatives Santos, Cairnes, Roach, Sullivan, Wallace, Ormsby, Simpson, D., Chase, Benson, Carrell, Newhouse, Simpson, G., Cooper, Schual-Berke, Hatfield, Kagi and Upthegrove

AN ACT Relating to authorizing certain entities to participate in self-insurance risk pools; and amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.061, 48.62.071, 48.62.081, 48.62.091, 48.01.050, and 39.34.055.

Referred to Committee on Financial Institutions & Insurance.

HB 3043 by Representatives Tom, Quall, Bailey, Lantz, McDermott, Anderson, Chase, Morrell and Kenney

AN ACT Relating to promoting physical fitness in middle school; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 3044 by Representatives Tom, Murray, Ericksen, Hunter, Anderson, Clibborn, Rodne and Hudgins

AN ACT Relating to proof of financial responsibility or motor vehicle liability insurance; and amending RCW 46.16.212, 46.16.210, and 46.30.040.

Referred to Committee on Transportation.

HB 3045 by Representatives Veloria, Skinner, Dunshee, Kenney, Campbell, Haigh, McDermott, Hankins, Miloscia, Kirby, Lovick, Sullivan, Simpson, G., Rockefeller, Cooper, Santos, Cairnes, Benson, Eickmeyer, Murray, Jarrett, Mastin, Grant, Anderson, Cody, Upthegrove, Chase, Morrell and Tom

AN ACT Relating to public lands; adding a new section to chapter 43.30 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 3046 by Representatives Carrell, Armstrong, Haigh, Miloscia, Nixon, Kirby and Bush

AN ACT Relating to the release of personal information; reenacting and amending RCW 42.17.310 and 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 3047 by Representatives Conway, Simpson, G., Chase and Ormsby

AN ACT Relating to health care services; adding new sections to chapter 70.14 RCW; and adding new sections to chapter 43.70 RCW.

Referred to Committee on Health Care.

HB 3048 by Representatives Campbell and Dunshee

AN ACT Relating to poststate employment lobbying; and amending RCW 42.52.080.

Referred to Committee on State Government.

HB 3049 by Representatives Romero, Murray, Hankins, Delvin and Simpson, G.

AN ACT Relating to motorized foot scooters; amending RCW 46.61.710 and 46.16.630; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 3050 by Representatives Haigh, Eickmeyer, Rockefeller, Linville, Morrell, Benson, Blake, Cox, Wallace, Woods, Lantz and Anderson

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

Referred to Committee on Higher Education.

HB 3051 by Representatives Pettigrew, Cairnes, Santos, McCoy, Sump, Linville, Buck, Chase and Upthegrove

AN ACT Relating to notice provisions for proceedings involving the Indian child welfare act; and amending RCW 26.10.034.

Referred to Committee on Juvenile Justice & Family Law.

HB 3052 by Representatives McMahan, Moeller, Romero and Lovick

AN ACT Relating to the voting rights of persons under guardianship; amending RCW 11.88.010; and creating a new section.

Referred to Committee on State Government.

HB 3053 by Representatives Upthegrove, Hinkle, Sullivan, Holmquist, Cooper, Priest, Morrell, Clements, Condotta and Schual-Berke

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; amending RCW 28B.15.910; and providing an effective date.

Referred to Committee on Higher Education.

HB 3054 by Representatives Simpson, G., Skinner, Hankins, Wood, Rockefeller, Clibborn, Hatfield, Clements, Armstrong and Delvin

AN ACT Relating to vehicle tires; amending RCW 70.95.510, 70.95.530, and 70.95.535; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Transportation.

HB 3055 by Representatives Holmquist, Carrell and O'Brien

AN ACT Relating to admissibility of DUI tests; amending RCW 46.61.506; reenacting and amending RCW 46.20.308 and 46.20.3101; and creating a new section.

Referred to Committee on Judiciary.

HB 3056 by Representatives Bailey, Haigh, Bush, Kagi, Ericksen, Boldt, Clibborn and Shabro

AN ACT Relating to creating a task force to examine state regulation of state and federal military training grounds; creating new sections; and providing an expiration date.

Referred to Committee on State Government.

HB 3057 by Representatives Conway, Wood, McCoy, Kenney, Condotta and Chase; by request of Department of Labor & Industries

AN ACT Relating to conforming the social security offset provisions of Title 51 RCW to the modified federal social security retirement age; and amending RCW 51.32.220.

Referred to Committee on Commerce & Labor.

HB 3058 by Representatives McCoy, Conway, Wood, Hudgins, Kenney and Chase; by request of Department of Labor & Industries

AN ACT Relating to industrial insurance benefits induced by fraud; amending RCW 51.32.240; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3059 by Representatives Conway, Wood, McCoy, Kenney and Chase; by request of Department of Labor & Industries

AN ACT Relating to liability for industrial insurance premiums; amending RCW 51.08.177 and 51.12.070; and adding a new section to chapter 51.48 RCW.

Referred to Committee on Commerce & Labor.

HB 3060 by Representatives Kenney, Wood, Conway, McCoy and Chase; by request of Department of Labor & Industries

AN ACT Relating to collecting unpaid labor and industries' overpayments and penalties from health care providers; and amending RCW 51.36.110.

Referred to Committee on Commerce & Labor.

HB 3061 by Representatives Anderson and Rodne

AN ACT Relating to the development of an educator information system; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 3062 by Representatives Newhouse, Chandler and Hinkle

AN ACT Relating to approving certain watershed plan modifications; and amending RCW 90.82.130.

Referred to Committee on Agriculture & Natural Resources.

HB 3063 by Representatives Morris and Hunt

AN ACT Relating to the six-year review of property tax exemptions; and amending RCW 43.136.030 and 43.136.040.

Referred to Committee on Finance.

HB 3064 by Representatives Ahern, Lovick, Benson and Bush

AN ACT Relating to sentence enhancement for vehicular homicide and vehicular assault; amending RCW 9.94A.533, 46.61.520, 46.61.522, and 13.04.030; and providing an effective date.

Referred to Committee on Judiciary.

HB 3065 by Representatives Kagi, O'Brien and Upthegrove

AN ACT Relating to partial confinement options for certain drug offenders; amending RCW 9.94A.030 and 9.94A.728; reenacting and amending RCW 9.94A.030; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 3066 by Representatives Romero, Moeller, Clibborn, Simpson, D. and Ormsby

AN ACT Relating to donation of surplus construction property to nonprofit corporations; amending RCW 43.19.1919 and 39.12.020; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on State Government.

HB 3067 by Representatives Romero and Chase

AN ACT Relating to motorized foot scooters; amending RCW 46.04.336 and 46.61.710; reenacting and amending RCW 46.16.010 and 46.20.500; and providing an effective date.

Referred to Committee on Transportation.

HB 3068 by Representatives Clibborn and Romero

AN ACT Relating to annexation; and creating new sections.

Referred to Committee on Local Government.

HB 3069 by Representatives Veloria, McMahan, Chase and Upthegrove

AN ACT Relating to services for victims of trafficking of persons; adding a new section to chapter 7.68 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 3070 by Representatives Veloria and Chase

AN ACT Relating to the joint legislative oversight committee on trade policy; amending RCW 44.55.020; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 3071 by Representatives Veloria, Chase and Upthegrove

AN ACT Relating to creating a vocational English as a second language program; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 3072 by Representatives Rodne and Woods

AN ACT Relating to child witnesses; and amending RCW 9A.44.150.

Referred to Committee on Judiciary.

HB 3073 by Representatives Quall, Talcott, Rockefeller, Sullivan and Upthegrove; by request of Academic Achievement and Accountability Commission

AN ACT Relating to alignment of state and federal educational accountability systems; amending RCW 28A.300.040, 28A.655.030, and 28A.655.010; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 3074 by Representatives Fromhold, Priest, Kenney and Morrell

AN ACT Relating to coordinating communications regarding pathways to college; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 3075 by Representatives Flannigan, Woods, Kirby, Rockefeller, Darneille, Haigh, Hatfield, Orcutt, Mielke, Delvin, Condotta, Simpson, G., Hunt and Upthegrove

AN ACT Relating to motorcycles at traffic signals; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 3076 by Representatives Santos, Nixon, Ruderman, Simpson, G., Campbell, Chase, Shabro, Lovick, Darneille, Sullivan, Pettigrew, Simpson, D., Hunt, Blake, Veloria and Kessler

AN ACT Relating to property tax relief; adding new sections to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

HB 3077 by Representatives Schual-Berke, Cody, Hudgins and Upthegrove

AN ACT Relating to funding the airport impact mitigation account; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Transportation.

HB 3078 by Representatives Dickerson, Boldt, Flannigan, Kagi and Pettigrew

AN ACT Relating to sealing juvenile records; and reenacting and amending RCW 13.50.050.

Referred to Committee on Juvenile Justice & Family Law.

HB 3079 by Representatives McCoy, Linville and Rockefeller

AN ACT Relating to the public disclosure exemption for information on the location of cultural resources; reenacting and amending RCW 42.17.310 and 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 3080 by Representatives Linville and Rockefeller

AN ACT Relating to focusing the state budgeting process on outcomes and priorities; amending RCW 43.88.090 and 43.88.030; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Appropriations.

HB 3081 by Representative Rockefeller

AN ACT Relating to medical and dental care and testing for children in the care of the department of social and health services; amending RCW 13.34.060; adding new sections to chapter 74.13 RCW; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Children & Family Services.

HB 3082 by Representatives Wallace, Morrell, Veloria, Chase and Upthegrove

AN ACT Relating to resolving manufactured/mobile home landlord and tenant disputes; amending RCW 59.22.050; adding a new chapter to Title 59 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Trade & Economic Development.

HB 3083 by Representatives Kagi, Boldt, Dickerson, Orcutt, Pettigrew and Darneille

AN ACT Relating to immunity for any person who cooperates with an investigation of child abuse or neglect; and amending RCW 26.44.060.

Referred to Committee on Judiciary.

HB 3084 by Representatives Darneille, Simpson, G., Chase, Upthegrove, Ormsby, Romero, Morrell and Kenney

AN ACT Relating to assistance for military families; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 3085 by Representatives Kagi, Boldt, Dickerson, Orcutt, Shabro, Pettigrew, Darneille and Morrell

AN ACT Relating to family decision meetings; adding new sections to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 3086 by Representatives Blake, Veloria and Chase

AN ACT Relating to creating a maritime office in the department of community, trade, and economic development; adding a new section to chapter 43.63A RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 3087 by Representative Linville

AN ACT Relating to promoting the use of reclaimed water; amending RCW 90.54.010, 90.54.020, 90.54.180, 90.46.005, 90.46.040, and 90.46.120; adding a new section to chapter 90.46 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 3088 by Representatives Linville, Schoesler and Morrell

AN ACT Relating to farms for the future of Washington; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 15.04 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 3089 by Representatives Mielke and Linville

AN ACT Relating to Japanese knotweed; and making an appropriation.

Referred to Committee on Appropriations.

HB 3090 by Representatives Kagi, Boldt, Darneille, Miloscia, Pettigrew, Roach, Dickerson, Fromhold, Talcott, Shabro, Pearson and Bailey

AN ACT Relating to the definition of out-of-home placement; and amending RCW 74.14C.010.

Referred to Committee on Children & Family Services.

HB 3091 by Representatives Linville, Clements, Kessler, Benson, Morris, Clibborn, Schoesler, Sullivan, McMorris, Wallace, Hunt, Quall, Miloscia, Pettigrew, Chase, Newhouse, Darneille, Hatfield, Moeller, Romero, Cox, Ericksen, Simpson, G., Schindler, Bush, Delvin, Cairnes, Carrell, Blake, Ruderman, Veloria, O'Brien, Santos, Pearson, Hinkle, Talcott, Ahern, Condotta, Ormsby, Morrell, Buck, Armstrong, McDonald, Edwards, Campbell, Schual-Berke and Kirby

AN ACT Relating to preserving nursing home funding; adding a new section to chapter 74.46 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3092 by Representative Delvin

AN ACT Relating to the uniform parentage act; and amending RCW 26.26.330 and 26.26.310.

Referred to Committee on Juvenile Justice & Family Law.

HB 3093 by Representatives Anderson, Talcott and Nixon

AN ACT Relating to resolving certificated employee labor disputes; amending RCW 41.59.120; and adding a new section to chapter 41.59 RCW.

Referred to Committee on Commerce & Labor.

HB 3094 by Representatives Ormsby, Cox, Haigh, Kagi, Priest, McCoy, Fromhold, Condotta, Chase, Upthegrove, Schual-Berke, Kenney and Morrell

AN ACT Relating to studying the expansion of high school skills centers; and creating new sections.

Referred to Committee on Education.

HB 3095 by Representatives Ormsby, Veloria, Eickmeyer, McCoy, Priest, Simpson, G., Chase and Morrell

AN ACT Relating to payment and performance bond requirements on state limited public works projects; amending RCW 39.04.155; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government.

HB 3096 by Representative Schindler

AN ACT Relating to appeals and reviews of permit decisions under chapter 43.21L RCW; amending RCW 43.21L.010, 43.21L.050, 43.21L.060, 43.21L.070, 43.21L.080, 43.21L.090, 43.21L.100, 43.21L.110, 43.21L.120, and 43.21L.130; creating a new section; and repealing RCW 43.21L.040, 43.21L.140, and 43.21L.901.

Referred to Committee on State Government.

HB 3097 by Representatives McMahan, Newhouse and Boldt

AN ACT Relating to motor vehicle registration and titles; amending RCW 46.12.050 and 46.12.005; adding a new section to chapter 46.12 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 3098 by Representatives McMahan and Newhouse

AN ACT Relating to transportation project priorities; adding a new section to Title 47 RCW; creating a new section; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 3099 by Representatives McMahan, Bush and Boldt

AN ACT Relating to controlled substance containers; and amending RCW 69.50.309.

Referred to Committee on Health Care.

HB 3100 by Representatives McMahan and Talcott

AN ACT Relating to education flexibility; adding a new chapter to Title 28A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

HB 3101 by Representatives Darneille, Simpson, G., Campbell, Romero, Upthegrove, Ormsby, Morrell and Kenney

AN ACT Relating to foreclosures and sales; and adding a new section to chapter 61.24 RCW.

Referred to Committee on Judiciary.

HJM 4040 by Representatives Pettigrew, Priest, Kagi, Jarrett, Tom, Benson, Miloscia, Darneille, Ormsby and Morrell

Requesting congress to pass a federal 211 act.

Referred to Committee on Children & Family Services.

ESB 5052 by Senators Hale, T. Sheldon, Hewitt, Johnson, Sheahan and Oke

AN ACT Relating to significant legislative rules; reenacting and amending RCW 34.05.328; and creating a new section.

Referred to Committee on State Government.

SSB 5326 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, B. Sheldon, Doumit and T. Sheldon)

AN ACT Relating to creating regional fire protection service authorities; amending RCW 57.90.010, 84.09.030, 84.52.069, and 35.21.766; reenacting and amending RCW 84.52.010 and 84.52.052; adding a new section to chapter 84.52 RCW; adding a new chapter to Title 52 RCW; and creating a new section.

Referred to Committee on Finance.

SSB 5733 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles)

AN ACT Relating to fairness and protection in boarding homes and adult family homes; and amending RCW 18.20.050, 18.20.110, and 70.128.060.

Referred to Committee on Health Care.

ESSB 5861 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Rasmussen, T. Sheldon, Finkbeiner, Kohl-Welles, Oke, Schmidt and Shin)

AN ACT Relating to criminal impersonation of a veteran of the armed forces; amending RCW 9A.60.045; prescribing penalties; and providing an effective date.

Referred to Committee on State Government.

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

REPORTS OF STANDING COMMITTEES

January 23, 2004

SHB 1840 Prime Sponsor, Committee On Financial Institutions & Insurance: Authorizing nonprofit corporations to participate in self-insurance risk pools. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; Simpson, G., Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and Simpson, D..

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2439, and the bill was placed on the second reading calendar.

There being no objection, the Rules Committee was relieved of SUBSTITUTE HOUSE BILL NO. 1005 and the bill was placed on the Third Reading calendar.

There being no objection, the Rules Committee was relieved of SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053 and the bill was placed on the Third Reading calendar.

There being no objection, the Rules Committee was relieved of SECOND SUBSTITUTE HOUSE BILL NO. 1234 and the bill was placed on the Third Reading calendar.

There being no objection, the Rules Committee was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869 and the bill was placed on the Third Reading calendar.

There being no objection, the Rules Committee was relieved of HOUSE JOINT MEMORIAL NO. 4018 and the joint memorial was placed on the Third Reading calendar.

There being no objection, the Committee on Rules was relieved of further consideration on SUBSTITUTE HOUSE BILL NO. 1517 and the bill was referred to the Committee on Commerce & Labor.

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

There being no objection, the House adjourned until 10:00 a.m., January 28, 2004, the 17th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

SIXTEENTH DAY, JANUARY 27, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 28, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Theresa Leigh and Aaron Cooper. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Iman Benjamin Shabazz, Al Islam Center, Seattle.

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

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

SECOND READING

HOUSE BILL NO. 1777, By Representatives Morrell, DeBolt, Cody, Benson, Sullivan, Woods, Pettigrew, McDonald, Wallace, Priest, G. Simpson, Roach, Grant, Hinkle, Santos, Jarrett, Hunt, Blake, Dunshee, Conway, Kirby, Hankins, Clibborn, Linville, Kagi, Kessler, Kenney, Schual-Berke, Darneille, Rockefeller, Wood, Lovick, Campbell, McDermott, Hudgins and Edwards

Implementing the collective bargaining agreement between the home care quality authority and individual home care providers.

The bill was read the second time.

MOTION

Representative Sehlin moved that HOUSE BILL NO. 1777 be referred to the Committee on Appropriations.

Representatives Sehlin and Holmquist spoke in favor of the motion.

Representative Kessler spoke against the motion.

An electronic roll call vote was requested.

MOTION

On motion of Representative Wallace, Representative Wood was excused.

The Speaker stated the question before the House to be adoption of the motion that House Bill No. 1777 be referred to the Committee on Appropriations.

ROLL CALL

The Clerk called the roll on the adoption of the motion that House Bill No. 1777 be referred to the Committee on Appropriations, and the motion was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace and Mr. Speaker - 51.

Excused: Representative Wood - 1.

Representative Morrell moved the adoption of amendment (754):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the voters of Washington state expressed their strong support for home-based long-term care services through their overwhelming approval of Initiative Measure

No. 775 in 2001. With passage of the initiative, the state has been directed to increase the quality of state-funded long-term care services provided to elderly and disabled persons in their own homes through recruitment and training of in-home individual providers, referral of qualified individual providers to seniors and persons with disabilities seeking a provider, and stabilization of the individual provider work force. The legislature further finds that the quality of care our elders and people with disabilities receive is highly dependent upon the quality and stability of the individual provider work force, and that the demand for the services of these providers will increase as our population ages.

(2) The legislature intends to stabilize the state-funded individual provider work force by providing funding to implement the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers. The agreement reflects the value and importance of the work done by individual providers to support the needs of elders and people with disabilities in Washington state.

NEW SECTION. Sec. 2. The sum of seven million one hundred twenty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state, and the sum of six million nine hundred eighteen thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2005, from the general fund--federal to the department of social and health services solely to increase the wages of state-funded individual providers from the current hourly rate of eight dollars and forty-three cents per hour to eight dollars and ninety-three cents per hour beginning October 1, 2004.

NEW SECTION. Sec. 3. The sum of ten million six hundred four thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state, and the sum of ten million two hundred ninety-four thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2005, from the general fund--federal to the department of social and health services solely to provide contributions of up to four hundred dollars per month for each eligible state-funded individual provider for health insurance coverage pursuant to the terms of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers.

NEW SECTION. Sec. 4. The sum of five million seven hundred thirteen thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state, and the sum of five million five hundred forty-three thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2005, from the general fund--federal to the department of social and health services solely to provide workers' compensation benefits to state-funded individual providers beginning October 1, 2004, through a third-party administrator under contract with the home care quality authority.

NEW SECTION. Sec. 5. The sum of one million three hundred twenty-four thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state, and the sum of one million two hundred eighty-four thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2005, from the general fund--federal to the department of social and health services solely for costs associated with administrative, labor, and employment relations costs determined by the terms of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers.

NEW SECTION. Sec. 6. The appropriations to the department of social and health services in this act may be transferred among programs within the department or to the home care quality authority to implement the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers.

NEW SECTION. Sec. 7. This act takes effect July 1, 2004."

Correct the title.

POINT OF ORDER

Representative Chandler requested a ruling on scope and object of amendment (754) to House Bill No. 1777.

SPEAKER'S RULING

Mr. Speaker: "The title of House Bill No. 1777 is an act relating to 'implementing the collective bargaining agreement between the home care quality authority and individual home care providers.'

The bill contains provisions implementing the collective bargaining agreement reached in 2002. That agreement was not implemented by the Legislature in the 2003 session, and therefore lapsed. A new agreement was then negotiated. Amendment 754 implements that agreement.

While the bill and the amendment address different agreements they are identical in purpose – to implement the collective bargaining agreement between the home care quality authority and individual home care providers. The Speaker therefore finds that the amendment is within the scope and object of the bill.

Representative Chandler, your point of order is not well taken."

Representative Morrell spoke in favor of the adoption of the amendment.

Representative Chandler spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Morrell, Simpson, Cody, Hudgins, Benson, Wallace and Campbell spoke in favor of passage of the bill.

Representatives Sehlin, Alexander, Clements, Holmquist, Boldt, McDonald, Mastin and Anderson spoke against the passage of the bill.

POINT OF ORDER

Representative Kirby: "Thank you, Mr. Speaker. The question before the House is related to the House bill not whether or not to send it back to committee. We have already decided that question."

SPEAKER'S RULING

Mr. Speaker: "The Speaker reminds the members to restrain remarks to the issue itself which is final passage."

Representative Anderson continued speaking against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1777.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1777 and the bill passed the House by the following vote: Yeas - 57, Nays - 40, Absent - 0, Excused - 1.

Voting yea: Representatives Benson, Blake, Bush, Cairnes, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Boldt, Buck, Carrell, Chandler, Clements, Condotta, Cox, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt,

Pearson, Priest, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 40.

Excused: Representative Wood - 1.

ENGROSSED HOUSE BILL NO. 1777, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 3102 by Representatives Wood, Ahern and Ormsby

AN ACT Relating to tourism promotion areas; amending RCW 35.101.010; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 3103 by Representatives Kenney, Cox, Fromhold, Priest, Morrell, Hudgins, McCoy, McDermott, Haigh, G. Simpson and Santos

AN ACT Relating to higher education; amending RCW 28B.80.400, 28B.80.430, 28B.80.200, 28B.80.345, 28B.80.330, 28B.80.335, 28B.80.280, 28B.80.350, 28B.10.044, 28B.15.070, 28B.15.076, 28B.80.175, 28B.80.360, 28B.10.859, 28B.10.868, 28B.10.873, 28B.10.882, 28B.80.160, 28B.80.245, 28B.80.246, 28B.80.620, 28B.80.626, 28B.04.020, 28B.04.030, 28B.04.080, 28B.04.085, 28B.10.800, 28B.10.802, 28B.10.804, 28B.10.808, 28B.10.8081, 28B.10.810, 28B.10.816, 28B.10.818, 28B.10.820, 28B.10.822, 28B.10.790, 28A.305.285, 28B.10.650, 28A.600.110, 28A.600.390, 28B.10.020, 28B.10.050, 28B.15.543, 28B.15.545, 28B.15.910, 28B.20.130, 28B.30.150, 28B.35.120, 28B.38.010, 28B.40.120, 28B.50.090, 28B.50.140, 28B.95.020, 28B.119.010, 28C.04.545, 43.105.825, 43.157.010, 43.79.465, 28B.15.760, 28B.15.820, 28B.101.020, 28B.102.040, 28B.108.010, 28B.115.050, 28B.119.030, 28B.133.010, 28B.133.020, and 28B.133.050; reenacting and amending RCW 28B.80.390; adding a new section to chapter 28B.45 RCW; adding new chapters to Title 28B RCW; creating new sections; recodifying RCW 28B.80.300, 28B.80.310, 28B.80.390, 28B.80.400, 28B.80.410, 28B.80.420, 28B.80.110, 28B.80.430, 28B.80.380, 28B.80.200, 28B.80.370, 28B.80.345, 28B.80.330, 28B.80.335, 28B.80.280, 28B.80.350, 28B.10.044, 28B.15.070, 28B.15.076, 28B.80.175, 28B.80.240, 28B.80.210, 28B.80.230, 28B.80.180, 28B.80.360, 28B.10.859, 28B.10.866, 28B.10.867, 28B.10.868, 28B.10.869, 28B.10.870, 28B.10.871, 28B.10.872, 28B.10.873, 28B.10.880, 28B.10.881, 28B.10.882, 28B.10.883, 28B.10.884, 28B.10.885, 28B.10.886, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.245, 28B.80.246, 28B.80.272, 28B.80.805, 28B.80.806, 28B.80.807, 28B.80.620, 28B.80.622, 28B.80.624, 28B.80.626, 28B.80.810, 28B.10.800, 28B.10.801, 28B.10.802, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.8081, 28B.10.810, 28B.10.812, 28B.10.814, 28B.10.816, 28B.10.818, 28B.10.820, 28B.10.821, 28B.10.822, and 28B.80.510; repealing RCW 28A.305.280, 28B.10.210, 28B.10.215, 28B.10.220, 28B.10.824, 28B.10.874, 28B.10.887, 28B.80.255, 28B.80.265, 28B.80.290, 28B.80.320, 28B.80.340, 28B.80.440, 28B.80.442, 28B.80.450, 28B.80.500, 28B.80.520, 28B.80.600, 28B.80.610, 28B.80.612, 28B.80.614, 28B.80.616, 28B.80.910, 28B.80.911, and 28B.80.912; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

HB 3104 by Representatives Bailey, Benson and McDonald

AN ACT Relating to access to health insurance for employers and their employees; amending RCW 48.21.045, 48.43.038, 48.43.045, 48.44.023, and 48.46.066; reenacting and amending RCW 48.43.005; and repealing RCW 48.43.035.

Referred to Committee on Health Care.

HB 3105 by Representatives Mastin, Grant, Chandler and Hinkle

AN ACT Relating to water rights; and amending RCW 90.03.380 and 90.44.100.

Referred to Committee on Agriculture & Natural Resources.

HB 3106 by Representatives Mastin, Grant, Linville, Schoesler, Hinkle, Newhouse, Chandler and Delvin

AN ACT Relating to water rights; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 3107 by Representatives Cox, Grant, Schoesler and McMorris

AN ACT Relating to regional programs for the recovery of fish runs listed under the federal endangered species act; and adding a new chapter to Title 77 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

HB 3108 by Representatives Conway and Chase

AN ACT Relating to oversight of industrial insurance premium rates; amending RCW 51.16.035; adding a new section to chapter 51.16 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3109 by Representatives Linville and Rockefeller

AN ACT Relating to funding for forest fire protection; and amending RCW 76.04.610.

Referred to Committee on Agriculture & Natural Resources.

HB 3110 by Representatives Cox, Haigh, Schoesler and Armstrong

AN ACT Relating to emergency school repair and renovation; amending RCW 28A.515.320; adding a new section to chapter 28A.515 RCW; and providing an effective date.

Referred to Committee on Education.

HB 3111 by Representative Chase

AN ACT Relating to population sustainability; and amending RCW 43.70.130.

Referred to Committee on Health Care.

HB 3112 by Representatives Cooper and D. Simpson

AN ACT Relating to marine fuel facilities; and amending RCW 88.46.010 and 90.56.010.

Referred to Committee on Fisheries, Ecology & Parks.

HB 3113 by Representatives Cooper, Conway, McDermott, Dickerson, Hunt, Cody, Sullivan, Chase, Kenney, Haigh and G. Simpson

AN ACT Relating to requiring bargaining over past practices in ferry employee collective bargaining; amending RCW 47.64.120; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3114 by Representatives Sommers, Sullivan, O'Brien, Cooper and Chase

AN ACT Relating to city and county disability boards; amending RCW 41.26.110; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3115 by Representatives Kagi, Boldt, Roach and Darneille

AN ACT Relating to evaluations of parties in proceedings involving child dependency or termination of parental rights; and amending RCW 13.34.090.

Referred to Committee on Children & Family Services.

HB 3116 by Representatives Murray, Cairnes, Sehlin, Sommers, McIntire, Lovick, Hatfield, Kenney, Morrell and Santos

AN ACT Relating to modifying tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers; and amending RCW 82.04.324, 82.08.02805, 82.12.02747, and 84.36.035.

Referred to Committee on Finance.

HB 3117 by Representatives Wallace, D. Simpson, Linville, Morrell, G. Simpson and Santos

AN ACT Relating to increasing small business tax relief; amending RCW 82.04.4451; and providing an effective date.

Referred to Committee on Trade & Economic Development.

HB 3118 by Representatives McIntire, Hunter, Santos, Conway, Chase, D. Simpson, Linville, Morrell and G. Simpson

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

Referred to Committee on Finance.

HB 3119 by Representatives Conway, Bush and Lantz

AN ACT Relating to requiring a super-majority of the legislature increase betting limits; amending RCW 9.46.010 and 9.46.070; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3120 by Representatives Sullivan and Morris

AN ACT Relating to petitions for review by the state under the growth management act; amending RCW 36.70A.280, 36.70A.290, 36.70A.295, and 36.70A.310; and providing an effective date.

Referred to Committee on Local Government.

HB 3121 by Representatives Sullivan, Crouse and Morris; by request of Utilities & Transportation Commission and Department of Social and Health Services

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.36.410, 80.36.420, 80.36.430, 80.36.450, 80.36.460, 80.36.470, 80.36.475, and 80.36.005; adding new sections to chapter 80.36 RCW; repealing RCW 80.36.440; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 3122 by Representatives Romero and Dunshee

AN ACT Relating to expanding the jurisdiction of the growth management hearings boards to include all counties and cities in Washington state; and amending RCW 36.70A.250.

Referred to Committee on Local Government.

HB 3123 by Representatives G. Simpson, Dunshee, Clibborn and Chase

AN ACT Relating to clarifying the effect of the expiration of remand periods and determinations of invalidity; and amending RCW 36.70A.300 and 36.70A.302.

Referred to Committee on Local Government.

HB 3124 by Representatives Miloscia and Jarrett

AN ACT Relating to allowing a general contractor/construction manager to perform more than thirty percent of a project when it involves tunneling; and reenacting and amending RCW 39.10.061 and 39.10.902.

Referred to Committee on State Government.

HB 3125 by Representatives McMorris, Linville, Schoesler and Sump

AN ACT Relating to opportunities and strategies for improving forest health in Washington; amending RCW 76.04.630; adding new sections to chapter 79.10 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 3126 by Representative Alexander

AN ACT Relating to WorkFirst recipients employed by counties; and amending RCW 36.17.040.

Referred to Committee on Local Government.

HB 3127 by Representative McMorris

AN ACT Relating to evaluating armed service experience in specialized electrical fields; and reenacting and amending RCW 19.28.191.

Referred to Committee on Commerce & Labor.

HB 3128 by Representatives Lovick, O'Brien, Kagi, Lantz, Moeller, Darneille, Ormsby, Chase, Cody, McCoy, Edwards, Hudgins, Schual-Berke and Ruderman

AN ACT Relating to prohibiting weapons in the state legislative building; and amending RCW 9.41.300.

Referred to Committee on Judiciary.

HB 3129 by Representatives Holmquist, McMorris and Hinkle

AN ACT Relating to water pollution control for total maximum daily loads; adding a new section to chapter 90.48 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 3130 by Representative Dunshee

AN ACT Relating to student speech and expression in the public schools; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 3131 by Representatives Tom, Priest and Lantz

AN ACT Relating to providing for insured warranty standards for condominiums; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

HB 3132 by Representatives Rockefeller, D. Simpson, Lantz and Haigh

AN ACT Relating to granting school district boards authority to approve restructuring of alternative schools; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 3133 by Representatives Fromhold, Orcutt, Kessler, Hatfield, Grant and Newhouse

AN ACT Relating to promoters duties with respect to vendor tax registration; and amending RCW 82.32.033.

Referred to Committee on Finance.

HB 3134 by Representatives Schoesler, Armstrong, Ahern, Crouse, Holmquist, Erickson, McMahan, Clements, McMorris, Condotta and Schindler

AN ACT Relating to the Washington industrial safety and health act; adding a new section to chapter 49.17 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 3135 by Representatives Upthegrove and Schual-Berke

AN ACT Relating to implementing an area-wide soil contamination initiative; amending RCW 70.105.010; adding new sections to chapter 70.105 RCW; creating a new section; and making an appropriation.

Referred to Committee on Fisheries, Ecology & Parks.

HB 3136 by Representatives D. Simpson, Chase, Sullivan and McCoy

AN ACT Relating to facilitating parental involvement in education for immigrant families; and creating new sections.

Referred to Committee on Education.

HB 3137 by Representatives Jarrett, Hunter, Tom, Lantz, Hankins and Linville

AN ACT Relating to education; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Education.

HJM 4041 by Representatives Clements, Skinner, Kenney, Hudgins, Santos and Hinkle

Requesting relief for the Aganda family of Selah, Washington.

Referred to Committee on State Government.

HJM 4042 by Representatives Linville, Jarrett, Hunt, Chase, Schual-Berke, Kenney and Rockefeller; by request of Superintendent of Public Instruction

Requesting changes in the No Child Left Behind Act.

Referred to Committee on Education.

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

REPORTS OF STANDING COMMITTEES

January 21, 2004

HB 2014 Prime Sponsor, Representative Flannigan: Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Cairnes; Cooper; Hatfield; Santos and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Assistant Ranking Minority Member; Carrell and Roach.

Passed to Committee on Rules for second reading.

January 23, 2004

HB 2364 Prime Sponsor, Representative Kagi: Regulating homeowner's insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

January 26, 2004

HB 2534 Prime Sponsor, Representative Fromhold: Providing death benefits for members of the Washington state patrol retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

January 26, 2004

HB 2535 Prime Sponsor, Representative Alexander: Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

January 26, 2004

HB 2536 Prime Sponsor, Representative Alexander: Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 to buy down the early retirement reduction amounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

January 26, 2004

HB 2538 Prime Sponsor, Representative Conway: Establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

January 26, 2004

HB 2541 Prime Sponsor, Representative Conway: Establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson.

Passed to Committee on Rules for second reading.

January 26, 2004

HB 2542 Prime Sponsor, Representative Fromhold: Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m, January 29, 2004, the 18th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

SEVENTEENTH DAY, JANUARY 28, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 29, 2004

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2004-4682, By Representatives Quall, Talcott and Hunter

WHEREAS, In the summer of 1953, the co-founders of Dick's Drive-in Restaurant chain created a partnership to build the first Dick's Drive-in on N.E. 45th in Seattle's Wallingford District; and

WHEREAS, Dick Spady was one of the co-founders of Dick's Drive-in Restaurant; and
WHEREAS, The original Dick's Drive-in Restaurant in Wallingford still operates today; and
WHEREAS, Dick's Drive-in Restaurant now operates five locations throughout Seattle; and
WHEREAS, Dick's Drive-in Restaurant chain is celebrating 50 years of business since its founding on January 28, 1954; and

WHEREAS, The State of Washington is enhanced greatly by the innovative and entrepreneurial spirit that helped to start Dick's Drive-in Restaurant; and

WHEREAS, The success of the co-founders of Dick's Drive-in Restaurant inspires countless others to replicate their success through starting small businesses of their own; and

WHEREAS, Dick's helps to build the Washington economy through providing good jobs that provide employees with health insurance benefits; and

WHEREAS, Dick's invests in the future of Washington State in helping to provide scholarship funds for its employees; and

WHEREAS, Dick's helps to care for some of Washington's most vulnerable residents in contributing matching donations to multiple organizations that provide services to greater Seattle's homeless population; and

WHEREAS, Dick Spady serves as an example to all Washingtonians through his continued civic engagement and involvement efforts;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives does hereby celebrate these achievements, and wishes the "Dick's family" a happy 50th anniversary.

HOUSE RESOLUTION NO. 4682 was adopted.

INTRODUCTION & FIRST READING

HB 3138 by Representative McIntire

AN ACT Relating to audit assessments.

Referred to Committee on Finance.

HB 3139 by Representative McIntire

AN ACT Relating to property taxation.

Referred to Committee on Finance.

HB 3140 by Representatives Linville and Chandler; by request of Governor Locke

AN ACT Relating to the establishment of a water court; amending RCW 2.08.010, 43.03.012, 90.03.110, 90.03.120, 90.03.160, 90.03.180, 90.03.190, 90.03.210, 90.03.230, 34.05.514, 34.05.518, 34.05.570, 34.05.578, and 34.05.588; reenacting and amending RCW 34.05.526; adding a new chapter to Title 2 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 3141 by Representative Morris

AN ACT Relating to mitigating carbon dioxide emissions resulting from fossil-fueled electrical generation; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 3142 by Representative Sommers; by request of Office of Financial Management

AN ACT Relating to eliminating selected detail from the governor's budget submittal; and amending RCW 43.88.030.

Referred to Committee on Appropriations.

HB 3143 by Representatives Morris, Nixon, Hudgins, Sullivan and Chase

AN ACT Relating to renewable energy and energy efficiency; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 3144 by Representatives Veloria, Wallace, Morrell, McDonald, McCoy, Chase and Hudgins

AN ACT Relating to business and occupation taxation of small businesses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Trade & Economic Development.

HB 3145 by Representatives Veloria, Wallace, Morrell, McDonald, McCoy, Chase and Hudgins

AN ACT Relating to tax relief for the construction of manufacturing facilities; amending RCW 82.04.050, 82.04.190, 82.04.280, and 82.04.280; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Trade & Economic Development.

HB 3146 by Representatives Veloria, Wallace, Morrell, McDonald, McCoy, Chase and Hudgins

AN ACT Relating to a business and occupation tax credit for small business; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Trade & Economic Development.

HB 3147 by Representatives Veloria, Wallace, Morrell, McDonald, McCoy, Chase and Hudgins

AN ACT Relating to a small business tax credit; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Trade & Economic Development.

HB 3148 by Representatives Ruderman, Tom, Hunter and Jarrett

AN ACT Relating to county property tax levies for school purposes; amending RCW 29A.36.210, 84.52.043, and 84.55.005; adding a new section to chapter 84.52 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 3149 by Representative Sommers; by request of Governor Locke

AN ACT Relating to governing boards of institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 3150 by Representatives Cody, McDermott, Pettigrew, Voloria, Santos, Dickerson, Chase, Skinner and Hudgins

AN ACT Relating to the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act Amendments guidelines for compliance in construction, rehabilitation, and substantial alteration of buildings using public funding from any source; amending RCW 43.185.060; and adding a new section to chapter 43.185 RCW.

Referred to Committee on Trade & Economic Development.

HJR 4219 by Representatives Linville and Chandler; by request of Governor Locke

Amending the Constitution to authorize a water court.

Referred to Committee on Judiciary.

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

REPORTS OF STANDING COMMITTEES

January 26, 2004

ESHB 1960 Prime Sponsor, Committee On Transportation: Governing regional transportation.
(REVISED FOR ENGROSSED: Studying regional transportation governance.)
Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Erickson, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hatfield; Hudgins; Lovick; Morris; Nixon; Rodne; Romero; Shabro; Simpson, G.; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Hankins; Kristiansen; Mielke and Schindler.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2307 Prime Sponsor, Representative Schoesler: Concerning appointment to a water conservancy board. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt and Sump.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2318 Prime Sponsor, Representative Orcutt: Concerning the verification of a landowner as a small forest landowner. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt and Sump.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2321 Prime Sponsor, Representative Linville: Clarifying the definitions of certain natural resources terms. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt and Sump.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2328 Prime Sponsor, Representative Dickerson: Changing provisions relating to registration of sex and kidnapping offenders who are students. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2329 Prime Sponsor, Representative Dickerson: Revising provisions relating to mental health treatment for minors. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Hinkle; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2366 Prime Sponsor, Representative Linville: Promoting Washington state agriculture. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt and Sump.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2377 Prime Sponsor, Representative Lovick: Reorganizing provisions concerning mental health services for minors. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2392 Prime Sponsor, Representative Lantz: Requiring law enforcement agencies to adopt policies concerning domestic violence by sworn employees. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell and Hinkle.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2397 Prime Sponsor, Representative Upthegrove: Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2398 Prime Sponsor, Representative Upthegrove: Revising provisions relating to providing notice of a modification or termination of a protection order. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2420 Prime Sponsor, Representative Hunter: Revising provisions for counting votes on ballots for write-in candidates. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2433 Prime Sponsor, Representative Hatfield: Changing provisions relating to a candidate appearing on a ballot for two offices. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2481 Prime Sponsor, Representative Dickerson: Increasing marriage license fees to fund domestic violence programs. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell and Hinkle.

Referred to Committee on Appropriations.

January 28, 2004

HB 2484 Prime Sponsor, Representative Conway: Modifying the public accountancy act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 26, 2004

HB 2531 Prime Sponsor, Representative Murray: Expanding authority for regional transportation investment districts. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hatfield; Hudgins; Lovick; Morris; Romero; Simpson, G.; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Hankins; Kristiansen; Mielke; Nixon; Rodne; Schindler; Shabro and Woods.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2685 Prime Sponsor, Representative Hudgins: Revising provisions relating to acceptable forms of identification for liquor sales. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2686 Prime Sponsor, Representative Hudgins: Authorizing inspection of records regarding transportation of cigarettes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2688 Prime Sponsor, Representative Wood: Authorizing the state lottery to conduct criminal history background checks. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2742 Prime Sponsor, Representative Haigh: Incorporating the 2003 changes into Title 29A RCW.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 27, 2004

HB 2743 Prime Sponsor, Representative Haigh: Consolidating and clarifying election-related crimes.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 27, 2004

HJM 4032 Prime Sponsor, Representative Eickmeyer: Urging Congress to fully restore funding for the manufacturing extension partnership program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Priest and Rodne.

Passed to Committee on Rules for second reading.

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

The Speaker placed the House at ease.

The House was called to order at 6:00 p.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

SECOND READING

HOUSE BILL NO. 2044, By Representatives Hunter, Tom, Jarrett, Clibborn, Fromhold and Ruderman

Changing the school district levy base calculation.

The bill was read the second time.

With the consent of the House, amendments (737), (739), (738) and (741) were withdrawn.

Representative Fromhold moved the adoption of the following amendment (752):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.500.020 and 1999 c 317 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average twelve percent levy rate" means twelve percent of the total levy bases as defined in RCW 84.52.0531(3) and (4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's twelve percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(~~(4)~~) (5) multiplied by twelve percent.

(d) The "district's twelve percent levy rate" means the district's twelve percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a twelve percent levy rate that exceeds the statewide average twelve percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

Sec. 2. RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (~~(4)~~) (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (~~(4)~~) (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For excess levies for collection in calendar years 2005 through 2008, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the difference between the state allocations under subsection (3)(a) and (b) of this section and the allocations the district would have received if (a) the district's base salary for certificated instructional staff for purposes of determining state basic education allocations had been the same as the highest base salary for that school year on the supporting LEAP salary document referenced in the omnibus appropriations act; and (b) the district's salaries for certificated administrators and classified staff for purposes of determining state basic education allocations had been the same as the highest certificated administrator and classified staff salaries for that school year on the supporting LEAP salary document referenced in the omnibus appropriations act. For calendar year 2005, the additional amounts provided under this subsection shall not be used in the calculation of levy base for the purpose of determining local effort assistance allocations under chapter 28A.500 RCW.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection ~~((5))~~ (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

~~((5))~~ (6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((6))~~ (7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((7))~~ (8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

~~((8))~~ (9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

~~((9))~~ (10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

Sec. 3. Section 1 of this act takes effect January 1, 2006."

Correct the title.

Representative Alexander moved the adoption of the following amendment (755) to amendment (752):

On page 4, beginning on line 7 of the striking amendment, strike everything after "act." through "RCW." on line 10.

On page 5, line 16, strike everything after "**Sec. 3.**" and insert "This act takes effect January 1, 2005."

Representatives Alexander, Talcott and Anderson spoke in favor of adoption of the amendment to the amendment.

Representatives Fromhold spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of amendment (755) to House Bill No. 2044 and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 44.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Representative Anderson moved the adoption of amendment (753):

Strike everything after line 2 of the striking amendment and insert the following:

"**Sec. I.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2003-04 and 2004-05 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase, except as provided in subsection (3) of this section.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years, except as provided in subsection (3) of this section. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

(3) For districts that have historically received teacher salary allocations in excess of the statewide salary schedule included in the appropriations act pursuant to RCW 28A.150.410, the legislature shall decline to provide a cost-of-living increase allocation, or shall provide a cost-of-living increase allocation at a lower rate than otherwise required by this section, in order to bring these districts' general apportionment allocations down to or closer to the statewide salary schedule.

Sec. II. RCW 28A.500.020 and 1999 c 317 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average ~~((twelve))~~ fifteen percent levy rate" means ~~((twelve))~~ fifteen percent of the total levy bases as defined in RCW 84.52.0531(3) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's ~~((twelve))~~ fifteen percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by ~~((the district's maximum levy percentage determined under RCW 84.52.0531(4)))~~ thirty percent, multiplied by ~~((twelve))~~ fifteen percent.

(d) The "district's (~~twelve~~) fifteen percent levy rate" means the district's (~~twelve~~) fifteen percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a (~~twelve~~) fifteen percent levy rate that exceeds the statewide average (~~twelve~~) fifteen percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

Sec. III. RCW 28A.500.030 and 2003 1st sp.s. c 25 s 912 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's (~~twelve~~) fifteen percent levy rate and the statewide average (~~twelve~~) fifteen percent levy rate; to

(b) The statewide average (~~twelve~~) fifteen percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's (~~twelve~~) fifteen percent levy amount, multiplied by the following percentage:

(a) The difference between the district's (~~twelve~~) fifteen percent levy rate and the statewide average (~~twelve~~) fifteen percent levy rate; divided by

(b) The district's (~~twelve~~) fifteen percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to June 30, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

Sec. IV. RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year (~~1998~~) 2005 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year (~~1998~~) 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

- (ii) Special education;
 - (iii) Education of highly capable students;
 - (iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;
 - (v) Food services; and
 - (vi) Statewide block grant programs; and
 - (c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.
- (4) A district's maximum levy percentage shall be ~~((twenty two))~~ thirty percent ~~((in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:~~
- ~~(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and~~
 - ~~(b) For 1998 and thereafter, the percentage calculated as follows:~~
 - ~~(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;~~
 - ~~(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;~~
 - ~~(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and~~
 - ~~(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.~~
- ~~(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties).~~
- ~~((6)) (5) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.~~
 - ~~((7)) (6) For the purposes of this section, "current school year" means the year immediately following the prior school year.~~
 - ~~((8)) (7) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.~~
 - ~~((9)) (8) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.~~

NEW SECTION. Sec. V. A new section is added to chapter 84.52 RCW to read as follows:

If the total amount of local effort assistance funds and excess levy revenue received by a district is less under sections 2 through 4 of this act than they would have been had sections 2 through 4 of this act not been enacted, the district shall receive hold harmless allocations. Hold harmless allocations shall be the difference between the amount of levy revenue and local effort assistance allocations the district would have received had sections 2 through 4 of this act not been enacted, and the amount of levy revenue and levy equalization the district will receive under sections 2 through 4 of this act, multiplied by the following:

- (1) In calendar year 2005, five-sixths;
- (2) In calendar year 2006, four-sixths;
- (3) In calendar year 2007, three-sixths;
- (4) In calendar year 2008, two-sixths; and
- (5) In calendar year 2009, one-sixth.

NEW SECTION. Sec. VI. (1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

- (2) Sections 2 through 4 of this act take effect January 1, 2005.

NEW SECTION. Sec. VII. Section 5 of this act expires January 1, 2010."

Correct the title.

POINT OF ORDER

Representative Hunt requested a ruling on scope and object of the amendment (753) to amendment (752) to House Bill No. 2044.

SPEAKER'S RULING

Mr. Speaker: " The title of House Bill No. 2044 is an act relating to ' school district levy based calculations.' The bill increases a school district's levy base by the difference between the amount received and the amount that would have been received by using a higher salary formula. The bill also changes current law by establishing different levy bases for calculating levy lids and levy equalization.

While part of amendment (753) indirectly changes school district levy base calculations for 34 districts, other provisions of the amendment do not relate to school district levy base calculations, but rather with the maximum levy percentage used to calculate levy lids and the percentage used to determine levy equalization.

The Speaker therefore finds that amendment (753) is outside the scope and object of the bill. Representative Hunt, your point of order is well taken."

Representative Fromhold spoke in favor of the adoption of amendment (752).

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hunter, Fromhold, Jarrett, Tom, Sommers and Cox spoke in favor of passage of the bill.

Representatives Anderson, Talcott, DeBolt, Mastin, Armstrong, Priest, Ericksen, Anderson (again) and McMahan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2044.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2044 and the bill passed the House by the following vote: Yeas - 55, Nays - 43, Absent - 0, Excused - 0.

Voting yea: Representatives Campbell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hatfield, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 43.

ENGROSSED HOUSE BILL NO. 2044, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of HOUSE BILL NO. 2623, and the bill was referred to the Committee on Appropriations.

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

There being no objection, the House adjourned until 10:00 a.m., January 30, 2004, the 19th Day of the Regular Session.

EIGHTEENTH DAY, JANUARY 29, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, January 30, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Isha Daramy and Jordan Taylor. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Robert Christiansen, Olympia-Lacey Church of God.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4683, By Representatives DeBolt, Kessler, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods

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

WHEREAS, Comil Pelagio Padayao exhibited true excellence during his tenure as a state employee; and

WHEREAS, Comil Pelagio Padayao was born February 28, 1944, in Spokane, Washington, to Emma Ludella and Paul Padayao and had two younger brothers, Darrell and Rick Padayao; and

WHEREAS, Comil Pelagio Padayao attended Broadway Baptist Church in Spokane as a child where he experienced a life-changing conversion at the age of fourteen, later was a longtime member of Fourth Memorial Church in Spokane, and during the last fourteen years of his life was an active member of Olympia-Lacey Church of God in Lacey, Washington; and

WHEREAS, Comil Pelagio Padayao graduated from Lewis and Clark High School in 1962, and attended Spokane Community College; and

WHEREAS, Comil Pelagio Padayao was active as a youth in Junior Achievement and the Spokane Junior Police where he reached the level of Chief; and

WHEREAS, Comil Pelagio Padayao came to work for the Legislature in 1965 as a 20-year-old; and

WHEREAS, Comil Pelagio Padayao began his service with the Legislature as Parking Attendant, and while finishing 31 sessions he also served as Mail Clerk, Bill Clerk, Committee Clerk, Doorman in the House Chamber, Garage Supervisor, and Assistant Sergeant of Arms, and he retired as Assistant Supervisor for Facilities with the Washington State House of Representatives in 2003; and

WHEREAS, Comil Pelagio Padayao enjoyed both legislative and campaign politics, served as a delegate to the National Republican Convention in 1970, and participated in numerous party activities over the years in many capacities; and

WHEREAS, Comil Pelagio Padayao had a compassionate, humble servant's heart, an infectious smile and wit, and an incredible and enthusiastic zest for life in whatever he did and whatever circumstances he found himself in, always ready to listen, to encourage, to pray and to offer help to those in need; and

WHEREAS, Comil Pelagio Padayao was a true saint of a man respected for his sincerity, his honesty, his kindness, and his friendship, and was a man who loved God, a man who loved his family, and a man who loved people; and

WHEREAS, Comil Pelagio Padayao exhibited great strength and faith as he suffered from many ailments over many years without complaining, and he passed away to his eternal reward on January 16, 2004, at age 59 leaving a wonderful heritage for his mother, Emma, his two brothers, Darrell and Rick, and his many nieces and nephews;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Comil Pelagio Padayao for his many years of dedicated service, his personal and professional integrity, and his faithfulness to the principles and ideals that were the basis of his character and life; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Emma Ludella Padayao, Darrell Padayao, and Rick Padayao.

Representative DeBolt moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4683 was adopted.

HOUSE RESOLUTION NO. 2004-4684, By Representatives Linville, Morris and Quall

WHEREAS, R.H. "Andy" Anderson has had a long and illustrious career in broadcasting and politics; and

WHEREAS, Andy began as a sports photographer for Lincoln High School in the last half of the 1940s, and had his political "birth" covering House Un-American Activities Committee hearings in Seattle as a University of Washington journalism student in 1950; and

WHEREAS, His love of jazz led him to AM radio, where he pulled records and then did free news breaks at KRSC and later KVI; and

WHEREAS, Andy joined KRKO in Everett as a radio news reporter in 1952, ignited by his longtime interest in politics and the Army vs. McCarthy hearings; and

WHEREAS, The way some folks love baseball, Andy was totally engrossed by politics, fascinated by the players in that 'danse Macabre'; and

WHEREAS, In 1955, Andy moved to KVOS radio and TV in Bellingham, where he did "rip and read" news and commercials from a 7 foot by 10 foot studio with one camera, and developed his forte--politics and broadcasting--especially during campaign and election times; and

WHEREAS, Andy befriended a political and jazz soul mate, Al Swift, who joined KVOS as an announcer in 1956, and along with Bill Clement, became a Democratic troika in Whatcom County politics; and

WHEREAS, Andy wrote scripts and produced feature films and commercials for CANAWEST Film Productions in Canada from 1965 to 1976, when he moved back to KVOS as news director; and

WHEREAS, He developed an impressive news crew at KVOS, until the station was taken over in 1983 and the management eliminated the news department and told Andy he had one week to 'clear his desk'; and

WHEREAS, Al Swift was then the U.S. Representative from the Second Congressional District when his district manager Bill McDonald (Dean Mac) passed away. Al needed someone who knew him and his politics so he offered the job to Andy because their history made a perfect match; and

WHEREAS, Al decided not to run again in 1994, so Andy was given the sad task of closing the office and decided to retire; and

WHEREAS, Andy ran a consulting business for a few years, until young Rick Larsen won the Second district seat. Larsen hired as his district director Jill McKinnie, who had worked for Al Swift and then Senator Patty Murray. She suggested Andy to her new boss, for the north part of the district, and Andy was rejuvenated; and

WHEREAS, Andy loves politics but now needs time to travel, work in his vegetable garden, and kick back after his incredible ride giving his talents, knowledge, and love to his job for many years;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington commend the life, the work, and the dedication of R.H. "Andy" Anderson for his commitment and service to journalism and politics in Whatcom County, Washington State and the United States; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Andy Anderson and his family.

HOUSE RESOLUTION NO. 4684 was adopted.

HOUSE RESOLUTION NO. 2004-4685, By Representative McCoy

WHEREAS, The Washington State Legislature recognizes the many years of service that Susan Mae Wilbur, Lop-che-ah, gave to the people of the Swinomish Tribe and to the State of Washington, and desires to celebrate her life and applaud her many contributions and accomplishments; and

WHEREAS, Susan Mae Wilbur was Vice Chair of the Swinomish Tribe and a true leader of the Swinomish Tribe and servant to her people; and

WHEREAS, In addition to acting as Swinomish Vice Chair, Susan Mae Wilbur served as Chair of the Budget Committee and Swinomish Housing Authority Board, gave unselfishly of herself, and devoted countless hours of her time and energy; and

WHEREAS, Susan Mae Wilbur was elected to both the Swinomish Senate and the La Conner School Board for more than two decades, and served the people of her community in countless ways; and

WHEREAS, Susan Mae Wilbur worked as a youth alcohol counselor, the Swinomish Tribe's Recreation Director, and was the Director of the Swinomish Tribe's Day Care Center since its inception in 1992, and, as such, profoundly impacted the lives of a generation of Swinomish children and their families; and

WHEREAS, Susan Mae Wilbur served on the Northwest Portland Area Indian Health Board, the American Indian Health Commission, the Northwest Washington Service Unit Health Board, and the Tribes Personnel Committee, and devoted her life to ensuring the health and well-being of her tribe and the people of the State of Washington; and

WHEREAS, Susan Mae Wilbur also contributed her talents by serving on the Skagit River System Cooperative Board and the Swinomish Gaming Commission;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the spirit, the devotion, and servitude of Susan Mae Wilbur and extend its deepest condolences to the family and friends of Susan Mae Wilbur; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to her husband, Todd Wilbur.

HOUSE RESOLUTION NO. 4685 was adopted.

The Speaker assumed the chair.

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

SECOND READING

HOUSE BILL NO. 2439, By Representatives Conway, Hankins, Campbell, Cooper, Kenney, Wood, D. Simpson, Chase, G. Simpson, Moeller, Morrell, Hudgins and Dickerson; by request of Governor Locke and Washington State Apprenticeship and Training Council

Providing for apprenticeship utilization requirements on public works projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 2439 was substituted for House Bill No. 2439 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2439 was read the second time.

With the consent of the House, amendment (760) was withdrawn.

Representative McMorris moved the adoption of amendment (761):

On page 1, line 12, after "Apprenticeship" insert "and other"

On page 1, line 14, after "for" strike "apprenticeship" and insert "apprentice and trainee"

On page 2, after line 17, insert the following:

"(5) "Trainee" means a worker participating in a formal training program other than a state-approved apprenticeship training program.

(6) "Training program" means a formal training program in which a worker has the opportunity to obtain knowledge and skills equivalent to those that may be obtained in a state-approved apprenticeship training program, and that is conducted by: (a) An employer and approved by the awarding agency; (b) a public community or technical college; or (c) a not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW."

On page 2, line 21, after "apprentices" insert "and/or trainees"

On page 2, line 24, after "apprentices" insert "and/or trainees"

On page 2, line 28, after "apprentice" insert "and/or trainee"

On page 3, line 5, after "number" insert ", and/or the name of each trainee"

On page 3, line 9, after "apprentices" insert "and/or trainees"

On page 3, line 24, after "apprentice" insert "and trainee"

Representatives McMorris, Talcott and McMorris (again) spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

MOTION

On motion of Representative Santos, Representative Quall was excused.

The Speaker stated the question before the House to be adoption of amendment (761) to Substitute House Bill No. 2439.

ROLL CALL

The Clerk called the roll on the adoption of amendment (761) to Substitute House Bill No. 2439, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 52, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Excused: Representative Quall - 1.

Representative Orcutt moved the adoption of amendment (759):

On page 2, line 21, after "apprentices" insert "if the successful bidder employed fifty or more full-time equivalent employees in the previous year"

Representatives Orcutt spoke in favor of the adoption of the amendment.

Representatives Hudgins spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (759) to Substitute House Bill No. 2439.

ROLL CALL

The Clerk called the roll on the adoption of amendment (759) to Substitute House Bill No. 2439, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representative Quall - 1.

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

Representatives Conway and Cooper spoke in favor of passage of the bill.

Representatives Orcutt, McMorris, Alexander, Hinkle, Holmquist and Boldt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2439.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2439 and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 44.

SUBSTITUTE HOUSE BILL NO. 2439, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2546, By Representatives McIntire, Morris, Hunter, Ruderman, Kessler, Lovick, Hunt, Grant, Hatfield, Fromhold, Clibborn and Clements; by request of Governor Locke

Modifying high technology and research and development tax incentive provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2546 was substituted for House Bill No. 2546 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2546 was read the second time.

With the consent of the House, amendment (757) was withdrawn.

Representative McIntire moved the adoption of amendment (762):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.63.005 and 1994 sp.s. c 5 s 1 are each amended to read as follows:

The legislature finds that high-wage, high-skilled jobs are vital to the economic health of the state's citizens, and that targeted tax incentives will encourage the formation of high-wage, high-skilled jobs. The legislature also finds that tax incentives should be subject to the same rigorous requirements for efficiency and accountability as are other expenditure programs, and that tax incentives should therefore be focused to provide the greatest possible return on the state's investment.

The legislature also finds that high-technology businesses are a vital and growing source of high-wage, high-skilled jobs in this state, and that the high-technology sector is a key component of the state's effort to encourage economic diversification. However, the legislature finds that many high-technology businesses incur significant costs associated with research and development and pilot scale manufacturing many years before a marketable product can be produced, and that current state tax policy discourages the growth of these companies by taxing them long before they become profitable.

The legislature further finds that stimulating growth of high-technology businesses early in their development cycle, when they are turning ideas into marketable products, will build upon the state's established high-technology base, creating additional research and development jobs and subsequent manufacturing facilities.

For these reasons, the legislature hereby establishes a program of business and occupation tax credits for qualified research and development expenditures. The legislature also hereby establishes a tax deferral program for high-technology research and development and pilot scale manufacturing facilities. The legislature declares that these limited programs serve the vital public purposes of incenting expenditures in research and development, supporting, and sustaining as they develop new technologies and products, and creating quality employment opportunities in this state. The legislature further declares its intent to create a contract within the meaning of Article I, section 23 of the state Constitution as to those businesses that make capital investments in consideration of the tax deferral program established in this chapter.

Sec. 2. RCW 82.04.4452 and 2000 c 103 s 7 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit ~~((is equal to))~~ shall be calculated as follows: (a) Determine the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development~~((, multiplied))~~; (b) subtract 0.92 percent of the person's taxable amount from the amount determined under (a) of this subsection; (c) multiply the amount determined under (b) of this subsection by the rate provided in RCW 82.04.260(3) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and the person's average tax rate ~~((provided in RCW 82.04.290(2)))~~ for every other person.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an ~~((affidavit))~~ annual report in a form prescribed by the department which shall include the amount of the credit claimed, ~~((an estimate of))~~ the ~~((anticipated))~~ qualified research and development expenditures during the calendar year for which the credit is claimed, ~~((an estimate of))~~ and the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe. The report is due by March 31st following any year a credit is taken.

(7)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) A person claiming the credit shall agree to ~~((supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures))~~ complete an annual survey. The annual survey is in addition to the annual report due under subsection (6) of this section. The survey is due by March 31st following any year in which a credit is taken. The survey shall include the amount of the tax credit taken, the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with the research and development activities for which a credit was taken. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;
(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;
(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the tax credit program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax credit taken, is deemed taxpayer information under RCW 82.32.330 and is not disclosable. Information on the amount of tax credit taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request except that persons taking less than ten thousand dollars of credit during the period covered by the survey may request the department to treat the tax credit amount as confidential under RCW 82.32.330.

(e) If a person fails to complete the survey required under this subsection by the due date, the person entitled to the credit provided in subsection (2) of this section is not eligible to take or assign the credit provided in subsection (2) of this section in the year the person failed to complete the survey.

(8) The department shall use the information from subsection (7) of this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(9) The department shall use the information (~~required under~~) from subsection (7) of this section to (~~perform three assessments on~~) study the tax credit program authorized under this section. (~~The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments~~) The department shall report to the legislature by December 1, 2009, and December 1, 2013. The reports shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

~~((9))~~ (10) For the purpose of this section:

(a) "Average tax rate" means a person's total tax under this chapter for the reporting period divided by the taxpayer's total taxable income under this chapter for the reporting period.

(b) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

~~((b))~~ (c) "Qualified research and development" shall have the same meaning as in RCW 82.63.010.

~~((c))~~ (d) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

~~((d))~~ (e) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

~~((10))~~ (11) This section expires (~~December 31, 2004~~) January 1, 2015.

Sec. 3. RCW 82.63.010 and 1995 1st sp.s. c 3 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility. The lessor or owner of the qualified building is not eligible for a deferral unless:

(a) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person (~~, or unless~~); or

(b)(i) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee (~~((in the form of reduced rent payments))~~);

(ii) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.63.020(2); and

(iii) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(10) "Person" has the meaning given in RCW 82.04.030 and includes state universities as defined in RCW 28B.10.016.

(11) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(12) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development. If a building is used partly for pilot scale manufacturing or qualified research and development, and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(13) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(14) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(15) "Recipient" means a person receiving a tax deferral under this chapter.

(16) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

(17)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" shall apply separately to each phase.

Sec. 4. RCW 82.63.020 and 1994 sp.s. c 5 s 4 are each amended to read as follows:

(1) Application for deferral of taxes under this chapter must be made before initiation of construction of, or acquisition of equipment or machinery for the investment project. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

(2)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Applicants for deferral of taxes under this chapter shall agree to ~~((supply the department with nonproprietary information necessary to measure the results of the tax deferral program for high technology research and development and pilot scale manufacturing facilities))~~ complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.63.010(7), the lessee shall agree to complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and the seven succeeding calendar years. The survey shall include the amount of tax deferred, the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with activities at the investment project. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330 and is not disclosable. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(3) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(4) The department shall use the information to ~~((perform three assessments on))~~ study the tax deferral program authorized under this chapter. ~~((The assessments will take place in 1997, 2000, and 2003.))~~ The department shall ~~((prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003))~~ report to the legislature by December 1, 2009, and December 1, 2013. The ~~((assessments))~~ reports shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

Sec. 5. RCW 82.63.030 and 1994 sp.s. c 5 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) No certificate may be issued for an investment project that has already received a deferral under chapter 82.60 or 82.61 RCW or this chapter, except that an investment project for qualified research and development that has already received a deferral may also receive an additional deferral certificate for adapting the investment project for use in pilot scale manufacturing.

(3) This section shall expire ~~((July))~~ January 1, ~~((2004))~~ 2015.

Sec. 6. RCW 82.63.045 and 2000 c 106 s 10 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2)(a) If, on the basis of ~~((a-report))~~ survey under RCW 82.63.020 or other information, the department finds that an investment project is used for purposes other than qualified research and development or pilot scale manufacturing at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes shall be immediately due according to the following schedule:

<i>Year in which use occurs</i>	<i>% of deferred taxes due</i>
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(b) If a recipient of the deferral fails to complete the annual survey required under RCW 82.63.020 by the date due, 12.5 percent of the deferred tax shall be immediately due. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.63.010(7), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit.

(c) If an investment project is used for purposes other than qualified research and development or pilot scale manufacturing at any time during the calendar year in which the investment project is certified as having been operationally complete and the recipient of the deferral fails to complete the annual survey due under RCW 82.63.020, the portion of deferred taxes immediately due is the amount on the schedule in (a) of this subsection. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.63.010(7), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit.

(3) The department shall assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

~~((3))~~ (4) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

Sec. 7. RCW 82.63.070 and 1994 sp.s. c 5 s 9 are each amended to read as follows:

Applications ~~((and other information))~~ received by the department under this chapter are not confidential and are subject to disclosure.

Sec. 8. RCW 82.04.190 and 2002 c 367 s 2 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290; (b) any person who purchases, acquires, or uses any telephone service as defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2)(a) or any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business; and (d) any person who is an end user of software;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development; and

(9) Until July 1, 2003, any person engaged in the business of conducting environmental remedial action as defined in RCW 82.04.2635(2).

NEW SECTION. Sec. 9. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to amounts received by any person for research and development under the federal small business innovation research program (114 Stat. 2763A; 15 U.S.C. Sec. 638 et seq.).

NEW SECTION. Sec. 10. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to amounts received by any person for research and development under the federal small business technology transfer program (115 Stat. 263; 15 U.S.C. Sec. 638 et seq.).

NEW SECTION. Sec. 11. Sections 9 and 10 of this act take effect July 1, 2004."

Correct the title.

Representative Boldt moved the adoption of amendment (763) to amendment (762):

On page 4 of the amendment, line 19, after "subsection" strike everything through "82.32.330" on line 26 and insert "is deemed taxpayer information under RCW 82.32.330 and is not disclosable"

Representatives Boldt and Orcutt spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (763) to amendment (762) to Substitute House Bill No. 2546.

ROLL CALL

The Clerk called the roll on the adoption of amendment (763) to amendment (762) to Substitute House Bill No. 2546, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 53.

Representative McIntire spoke in favor of the adoption of amendment (762).

The amendment was adopted. The bill was ordered engrossed.

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

Representatives McIntire, Cairnes, O'Brien, Orcutt, Kagi, Carrell, Ahern, Morris and Chandler spoke in favor of passage of the bill.

Representative Darneille spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2546.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2546 and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Condotta, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Erickson, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Woods and Mr. Speaker - 86.

Voting nay: Representatives Chase, Cody, Conway, Darneille, Flannigan, McDermott, Moeller, Ormsby, Romero, Schual-Berke, G. Simpson and Wood - 12.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869, By House Committee on Finance (originally sponsored by Representatives McIntire, Gombosky, Morris, Conway, Santos, Haigh, Kagi, Hunt, Linville, Dunshee, Chase, G. Simpson, Moeller, Lovick, Cody, Murray, Upthegrove, Veloria and Wood)

Requiring performance audits for tax preferences.

The bill was read the third time.

Representatives McIntire, Morris, Santos, Simpson, Morrell, Ruderman, Hunt and Romero spoke in favor of passage of the bill.

Representatives Orcutt, Cairnes, Ahern, Buck, Roach, Roach (again), Mielke and Ericksen spoke against the of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1869.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1869 and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 40.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 3151 by Representatives O'Brien, Alexander, Morris, Campbell, Lovick, Benson, Pettigrew and Shabro

AN ACT Relating to drug purchasing cost controls; and amending RCW 70.14.050.

Referred to Committee on Health Care.

HB 3152 by Representatives O'Brien, McDonald, Cody, Morrell, Flannigan, Wallace, D. Simpson, Wood, Chase, Santos and Edwards

AN ACT Relating to housing for homeless veterans; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 3153 by Representatives Conway, Cody, Ruderman, G. Simpson, McDermott, Wood, Chase, Santos, Edwards and Kenney

AN ACT Relating to health care facilities that use public funds to encourage or discourage unionization; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 3154 by Representatives Morrell, Bush, Sehlin, Hatfield, Edwards and Talcott

AN ACT Relating to eliminating the expiration dates on tax exemptions for water services supplied by certain water-sewer districts and irrigation districts; and amending RCW 82.04.312 and 82.16.042.

Referred to Committee on Finance.

HB 3155 by Representative Morris

AN ACT Relating to energy efficiency; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 3156 by Representatives Campbell and Cody

AN ACT Relating to professional service corporations; and amending RCW 18.100.050.

Referred to Committee on Health Care.

HB 3157 by Representative McIntire

AN ACT Relating to penalties on assessments; amending RCW 82.32.090; and prescribing penalties.

Referred to Committee on Finance.

HB 3158 by Representatives McIntire, Kessler and Edwards

AN ACT Relating to exempting from sales and use tax computer equipment used primarily in printing or publishing; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Finance.

HB 3159 by Representatives Morris and Wood

AN ACT Relating to operation of a motorcycle between traffic lanes; and amending RCW 46.61.608.

Referred to Committee on Transportation.

HB 3160 by Representatives Conway, Ruderman, G. Simpson, Chase and Santos

AN ACT Relating to allowing unemployment benefits to workers in a labor dispute; amending RCW 50.20.090; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3161 by Representative Anderson

AN ACT Relating to revising school funding by standardizing levy formulas and salary schedules; amending RCW 28A.400.205, 28A.500.020, 28A.500.030, and 84.52.0531; adding a new section to chapter 84.52 RCW; adding a new section to chapter 28A.500 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HJM 4043 by Representatives Delvin, Hankins, Grant, Schoesler, Clements, Mastin, Cox, Skinner, Newhouse, Jarrett, Chandler, Clibborn and Kessler

Requesting the privatization of the department of energy's fast flux test facility complex.

Referred to Committee on Technology, Telecommunications & Energy.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, except for HOUSE BILL NO. 3161.

MOTION

Representative Anderson moved that the rules be suspended, and that HOUSE BILL NO. 3161 be advanced to second reading.

Representative Anderson spoke in favor of the motion.

Representative Kessler spoke against the motion.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of the motion to suspended the rules and advance House Bill No. 3161 to second reading.

ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and advance House Bill No. 3161 to second reading, and the motion was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

There being no objection, HOUSE BILL NO. 3161 was referred to the Committee on Appropriations.

REPORTS OF STANDING COMMITTEES

January 28, 2004

HB 1594 Prime Sponsor, Representative Berkey: Clarifying the role of a chief financial officer in a charter county. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

January 28, 2004

EHB 1691 Prime Sponsor, Representative Grant: Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 1982 Prime Sponsor, Representative Kenney: Revising standards for disclosure of information concerning sex offenders and kidnapping offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

January 28, 2004

HB 1995 Prime Sponsor, Representative Quall: Changing the disposition of proceeds from the lease, rental, or sale of school district real property. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Rockefeller.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2055 Prime Sponsor, Representative Morris: Modifying the taxation of bundled telecommunications services. Reported by Committee on Technology, Telecommunications & Energy

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

Referred to Committee on Finance.

January 28, 2004

HB 2100 Prime Sponsor, Representative Romero: Adding an ex officio member to the building code council. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Uptegrove.

Passed to Committee on Rules for second reading.

January 27, 2004

EHB 2140 Prime Sponsor, Representative Grant: Reaffirming the role of the state conservation commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2379 Prime Sponsor, Representative Armstrong: Providing for training peace officers to reduce deaths. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

January 28, 2004

HB 2452 Prime Sponsor, Representative Morris: Regulating sites for construction and operation of unstaffed public or private electric utility facilities. Reported by Committee on Technology, Telecommunications & Energy

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

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2462 Prime Sponsor, Representative Quall: Providing for disposition of funds from teachers' cottages. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Rockefeller.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2696 Prime Sponsor, Representative D. Simpson: Creating a state parks centennial committee. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Uptegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2703 Prime Sponsor, Representative Armstrong: Increasing the minimum for bid requirements for materials or work for joint operating agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2704 Prime Sponsor, Representative Talcott: Providing standards for alternative learning experience programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Rockefeller.

Referred to Committee on Appropriations.

January 28, 2004

HB 2771 Prime Sponsor, Representative Sommers: Prohibiting cyberstalking. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2846 Prime Sponsor, Representative Sump: Creating the crime of unlawful use of a hook. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 2, 2004, the 22nd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE

NINETEENTH DAY, JANUARY 30, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

—————
TWENTY SECOND DAY
—————
—————

House Chamber, Olympia, Monday, February 02, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Therese Charba and Matthew Clegg. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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

MESSAGE FROM THE SENATE January 28, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6239,
SUBSTITUTE SENATE BILL NO. 6240,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. Speaker:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herein respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 297, a copy of which was preliminarily certified to you on January 12, 2004, and we have determined that the initiative contains the signatures of at least 212,307 legal voters in the State of Washington. As the number exceeds that required by the State Constitution (197,734), we hereby certify that Initiative to the Legislature 297 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington, this 29th day of January, 2004.

SAM REED
Secretary of State

INTRODUCTION & FIRST READING

HB 3162 by Representatives Delvin, Hankins and Linville

AN ACT Relating to theft of livestock; amending RCW 9A.56.080 and 4.24.320; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 3163 by Representatives McIntire, Chandler, Linville, Mastin and Cairnes; by request of Governor Locke

AN ACT Relating to the reporting and collection of the real estate excise tax upon transfers of water rights; amending RCW 90.80.080, 82.45.010, and 82.45.090; adding new sections to chapter 90.03 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 3164 by Representatives Murray, Ericksen, Wallace, Jarrett, Sommers, Rockefeller, Woods, Ruderman, Hatfield, Morris, Cooper, Simpson, G. and Hankins

AN ACT Relating to transportation innovative partnerships; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HB 3165 by Representatives Hunter and Schual-Berke

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.

Referred to Committee on Appropriations.

HB 3166 by Representatives O'Brien and Fromhold

AN ACT Relating to providers of housing for sex offenders; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 3167 by Representative Kirby

AN ACT Relating to ocularists; amending RCW 18.55.085; and adding new sections to chapter 18.55 RCW.

Referred to Committee on Health Care.

HB 3168 by Representatives Cairnes, Morris, Roach, Schual-Berke and Simpson, G.

AN ACT Relating to business and occupation taxation of health care services provided to government; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HJM 4044 by Representatives Romero, Dickerson, Moeller, O'Brien, Santos, Lovick, Dunshee, McIntire, Kenney, Hunter, Chase, Clibborn, Ruderman, Voloria, Hudgins, McCoy, Darneille, Simpson, G., Upthegrove, Lantz, Hunt and Wood

Expressing opposition to drilling in the Arctic National Wildlife Refuge.

Referred to Committee on Fisheries, Ecology & Parks.

SSCR 8418 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Berkey, Swecker, Doumit, Schmidt, Mulliken, Parlette, Keiser, Rasmussen, Haugen and Murray)

Creating a joint select legislative task force to evaluate permitting processes.

Referred to Committee on Local Government.

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

REPORTS OF STANDING COMMITTEES

January 29, 2004

HB 2347 Prime Sponsor, Representative McDonald: Authorizing additional sales tax authority for public facilities districts. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Referred to Committee on Finance.

January 28, 2004

HB 2360 Prime Sponsor, Representative Kagi: Establishing a wage ladder for child care workers. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey and Shabro.

Referred to Committee on Appropriations.

January 29, 2004

HB 2441 Prime Sponsor, Representative Chase: Creating a "Washington Made" logo. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; McCoy; Ormsby; Pettigrew; Priest and Rodne.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2446 Prime Sponsor, Representative O'Brien: Eliminating a restriction on payment agreements. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Eickmeyer; Flannigan; Hankins; Hinkle; Kirby;

Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson, G.; Veloria and Woods.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2455 Prime Sponsor, Representative Santos: Providing for financial literacy. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2483 Prime Sponsor, Representative Murray: Modifying the disposition of title fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; Simpson, G.; Sullivan; Wallace and Woods.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2585 Prime Sponsor, Representative Cody: Prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2598 Prime Sponsor, Representative Grant: Providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Kirby; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Flannigan.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2736 Prime Sponsor, Representative Murray: Streamlining transportation governance. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Campbell; Clibborn; Cooper; Dickerson; Edwards; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Shabro; Simpson, G.; Sullivan; Wallace and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Armstrong; Bailey; Flannigan; Kristiansen; Mielke; Nixon; Rodne and Schindler.

Passed to Committee on Rules for second reading.

January 28, 2004

HB 2792 Prime Sponsor, Representative Kagi: Initiating a process to develop collaboration among public and private providers of child welfare services. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2839 Prime Sponsor, Representative Schual-Berke: Creating a task force to study alternatives for resolving disputes related to injuries resulting from health care. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, beginning on line 17, after "shall" strike all material through "issues" on line 19 and insert "use staff of the office of program research and senate committee services"

On page 3, line 20, after "2004" insert ", and to provide other staff support services needed by the task force"

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Referred to Committee on Appropriations.

January 29, 2004

HB 2859 Prime Sponsor, Representative Wallace: Authorizing projects recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Eickmeyer; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson, G.; Veloria and Woods.

Passed to Committee on Rules for second reading.

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

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1005, By House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Linville, Wood, Anderson, Fromhold, Conway, Kessler, O'Brien, Kenney, Haigh, Schual-Berke and Sullivan)

Creating the joint task force on long-term energy supply.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1005 was returned to second reading for purpose of amendment.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1005, By House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Linville, Wood, Anderson, Fromhold, Conway, Kessler, O'Brien, Kenney, Haigh, Schual-Berke and Sullivan)

Creating the joint task force on long-term energy supply.

Representative Ruderman moved the adoption of the following amendment (758):

On page 4, line 25, after "December 31," strike "2003" and insert "2004"

On page 4, line 26, after "July 1," strike "2004" and insert "2005"

Representative Ruderman spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Ruderman and Crouse spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Clements, Representative McMorris was excused. On motion of Representative Hudgins, Representative Morris was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1005.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1005 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives McMorris and Morris - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1005, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 1234, By House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Veloria, McCoy, Conway and Chase)

Establishing an industry cluster-based approach to economic development.

The bill was read the third time.

Representatives Pettigrew and Skinner spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1234.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1234 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives McMorris and Morris - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1234, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4018, By Representatives Blake, Veloria and Kenney

Requesting Congress to enter trade agreements that are more fair to domestic agricultural businesses.

Representatives Blake and Skinner spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4018.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4018 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell,

Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives McMorris and Morris - 2.

HOUSE JOINT MEMORIAL NO. 4018 , having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 3, 2004, the 23rd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

TWENTY SECOND DAY, FEBRUARY 2, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 3, 2004

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

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

INTRODUCTION & FIRST READING

HB 3169 by Representatives O'Brien and G. Simpson

AN ACT Relating to purchase of prescription medications by county and municipal government agencies; and amending RCW 41.05.500.

Referred to Committee on Health Care.

HB 3170 by Representatives O'Brien and G. Simpson

AN ACT Relating to refilling prescriptions of inmates released from jails and state correctional facilities; and amending RCW 69.41.190.

Referred to Committee on Health Care.

HB 3171 by Representative Woods

AN ACT Relating to purchasing state services; reenacting and amending RCW 43.19.1905; and creating new sections.

Referred to Committee on State Government.

HB 3172 by Representatives Dunshee, Sommers and Sehlin

AN ACT Relating to payment agreements; amending RCW 39.96.010 and 39.96.020; and repealing RCW 39.96.070.

Referred to Committee on Capital Budget.

HB 3173 by Representatives Cooper, Delvin, G. Simpson, Conway and Chase

AN ACT Relating to choosing a reduced retirement allowance under the law enforcement officers' and fire fighters' retirement system, plan 1; and amending RCW 41.26.164.

Referred to Committee on Appropriations.

HB 3174 by Representatives Cooper, Conway, G. Simpson and Chase

AN ACT Relating to creating a medical account for the catastrophic illnesses of law enforcement officers' and fire fighters' retirement system plan 1 members and beneficiaries; reenacting and amending RCW 43.79A.040; adding new sections to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Appropriations.

E3SSB 5364 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, T. Sheldon, Regala, B. Sheldon, Winsley, McAuliffe, Hale and Rasmussen; by request of Governor Locke)

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Finance.

ESSB 6239 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Benton, Carlson, Hale, McAuliffe, Prentice, Rasmussen, Murray, Haugen and Poulsen; by request of Governor Locke)

AN ACT Relating to high technology and research and development tax incentives; amending RCW 82.04.4452, 82.63.010, 82.63.020, 82.63.030, 82.63.045, 82.63.070, and 82.04.190; adding new sections to chapter 82.04 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

SSB 6240 by Senate Committee on Ways & Means (originally sponsored by Senators T. Sheldon, Zarelli, Benton, Hale, McAuliffe, Prentice, Rasmussen, Murray and Haugen; by request of Governor Locke)

AN ACT Relating to tax incentives in rural counties; amending RCW 82.16.0491, 82.60.020, 82.60.040, and 82.60.050; adding new sections to chapter 82.04 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

January 30, 2004

HB 1895 Prime Sponsor, Representative Campbell: Limiting when the presence of a dog may affect the availability of homeowner's insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Cooper; Hatfield; Roach; Santos and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2295 Prime Sponsor, Representative Quall: Authorizing charter schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Hunter; McMahan and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Representatives McDermott, Vice Chairman; Cox; Haigh and Santos.

Passed to Committee on Appropriations.

January 29, 2004

HB 2361 Prime Sponsor, Representative Kagi: Requiring development and implementation of policies concerning visitation for children in foster care. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2471 Prime Sponsor, Representative Lovick: Authorizing special license plates to honor law enforcement officers killed in the line of duty. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace and Woods.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2498 Prime Sponsor, Representative Boldt: Revising funding constraints affecting the Washington WorkFirst program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Appropriations.

January 29, 2004

HB 2550 Prime Sponsor, Representative Boldt: Providing a liaison for community-based and faith-based social service organizations that receive no public funds. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2596 Prime Sponsor, Representative Dickerson: Providing for early intervention services for children with disabilities. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Appropriations.

January 30, 2004

HB 2615 Prime Sponsor, Representative Jarrett: Modifying the interlocal cooperation act regarding notice requirements for contracting. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2780 Prime Sponsor, Representative Fromhold: Establishing an early learning and child care legislative work group. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Bailey; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Shabro.

Passed to Committee on Rules for second reading.

January 29, 2004

HB 2804 Prime Sponsor, Representative Lantz: Changing provisions relating to actions against health care providers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Campbell; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Newhouse.

Passed to Committee on Appropriations.

January 29, 2004

HB 2828 Prime Sponsor, Representative Lantz: Limiting the liability of hospitals for noneconomic damages in actions under chapter 7.70 RCW. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Flannigan and Kirby.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 4, 2004, the 24th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

TWENTY THIRD DAY, FEBRUARY 3, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 4, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Patrick Brown and Vanessa Borja. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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

MESSAGES FROM THE SENATE

February 2, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5677,
SENATE BILL NO. 5790,
SUBSTITUTE SENATE BILL NO. 6138,
SUBSTITUTE SENATE BILL NO. 6201,
SUBSTITUTE SENATE BILL NO. 6325,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 3, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5148,
SUBSTITUTE SENATE BILL NO. 5168,
SENATE BILL NO. 6091,
SUBSTITUTE SENATE BILL NO. 6107,
SENATE BILL NO. 6269,
SENATE BILL NO. 6417,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 3, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5232,
SUBSTITUTE SENATE BILL NO. 5661,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6140,
SUBSTITUTE SENATE BILL NO. 6148,
SUBSTITUTE SENATE BILL NO. 6161,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

INTRODUCTION & FIRST READING

HB 3175 by Representatives Grant, Chandler, Mastin, Hatfield, Buck, Linville and Kessler

AN ACT Relating to providing financial assistance to counties; amending RCW 82.08.160; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.31 RCW; and providing a contingent effective date.

Referred to Committee on Appropriations.

HB 3176 by Representative Ericksen

AN ACT Relating to the use of real estate excise taxes for the provision of emergency medical care or services; and amending RCW 82.46.010 and 82.46.030.

Referred to Committee on Local Government.

HB 3177 by Representatives Hatfield, Armstrong, Hankins, Campbell, Kessler, Grant and Kirby; by request of Secretary of State

AN ACT Relating to a qualifying primary; amending RCW 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200, 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.84.260, 29A.84.310, 29A.84.710, and 42.17.020; reenacting and amending RCW 29A.32.120; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.24 RCW; adding a new section to chapter 29A.28 RCW; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130, and 29A.04.903; and declaring an emergency.

Referred to Committee on State Government.

HB 3178 by Representatives Grant and Mastin

AN ACT Relating to dissolving or deactivating joint housing authorities; and amending RCW 35.82.300 and 35.82.320.

Referred to Committee on Local Government.

HB 3179 by Representatives Linville, Talcott, Quall, Benson and Anderson

AN ACT Relating to service delivery standards for special education students; and amending RCW 28A.150.390.

Referred to Committee on Appropriations.

HB 3180 by Representatives Grant, Chandler, Kessler, Schoesler, Hatfield, Linville, Holmquist, Newhouse, Morris, Armstrong, Blake, Priest, Eickmeyer, Cairnes and Roach

AN ACT Relating to the excise taxation of fruit and vegetable processing and storage; amending RCW 82.08.820 and 82.12.820; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new chapter to title 82 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 3181 by Representative Clements

AN ACT Relating to legal services for construction professionals involved in legal disputes concerning project permits; adding a new section to chapter 43.42 RCW; and creating a new section.

Referred to Committee on State Government.

HB 3182 by Representatives Chandler, Talcott and Schoesler

AN ACT Relating to national pollutant discharge elimination system permits for application of aquatic pesticides; amending RCW 90.48.020, 90.48.030, 90.48.260, and 90.48.465; adding new sections to chapter 90.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 3183 by Representatives Conway, Delvin, Simpson, G., Cooper, Roach, Campbell and Morrell

AN ACT Relating to negotiating state patrol officer wages and wage-related matters; amending RCW 41.56.473; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 3184 by Representatives Clibborn, Simpson, G., Ormsby, Santos, Upthegrove, Darneille, Morrell, Hudgins and Conway

AN ACT Relating to health insurance coverage for children; and creating new sections.

Referred to Committee on Appropriations.

ESB 5083 by Senators Stevens, Benton, Mulliken, Roach, Oke, Esser, Swecker and T. Sheldon

AN ACT Relating to recognizing concealed weapon licenses issued by other states; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

SSB 5148 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley and Prentice; by request of Insurance Commissioner)

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

Referred to Committee on Financial Institutions & Insurance.

SSB 5168 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to interest on legal financial obligations; and amending RCW 10.82.090.

Referred to Committee on Judiciary.

ESB 5232 by Senator Morton

AN ACT Relating to authorizing multiyear excess property tax levies for cemetery districts; amending RCW 84.52.052 and 68.52.310; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Finance.

SSB 5661 by Senate Committee on Land Use & Planning (originally sponsored by Senators Schmidt, Mulliken, Shin, Finkbeiner, Stevens, Esser, Johnson, Reardon and Oke)

AN ACT Relating to allowing the conservation of unused agricultural lands with interim recreational uses; and amending RCW 36.70A.060 and 36.70A.177.

Referred to Committee on Local Government.

SSB 5677 by Senate Committee on Higher Education (originally sponsored by Senators McAuliffe, Carlson, Parlette, Eide, Rasmussen, Regala, Schmidt, Kohl-Welles and Shin)

AN ACT Relating to cooperation among education policy boards; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5790 by Senators Franklin, Deccio, Winsley and Kline

AN ACT Relating to certificate of need exemptions for nursing facilities; amending RCW 70.38.111; and declaring an emergency.

Referred to Committee on Health Care.

SB 6091 by Senator Esser

AN ACT Relating to assuring that the rights of way of state highways accommodate the deployment of personal wireless service facilities; amending RCW 47.52.001; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6107 by Senate Committee on Agriculture (originally sponsored by Senators Rasmussen, Swecker, Eide, Esser, McAuliffe and Shin; by request of Department of Agriculture)

AN ACT Relating to diseased and quarantined animals; and amending RCW 16.36.010, 16.36.060, 16.36.090, and 16.36.098.

Referred to Committee on Agriculture & Natural Resources.

SSB 6138 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Carlson, Rasmussen, Schmidt and McAuliffe)

AN ACT Relating to a master plan for education from prekindergarten through university; creating new sections; and providing an expiration date.

Referred to Committee on Education.

ESSB 6140 by Senate Committee on Land Use & Planning (originally sponsored by Senators Morton, Fraser, Mulliken and Winsley)

AN ACT Relating to exempting uninhabited electric utility facilities from short plats and subdivision requirements; and amending RCW 58.17.040.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6148 by Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Horn, Brandland, Esser, Oke, Eide, Winsley and Hewitt)

AN ACT Relating to special license plates to honor law enforcement officers in Washington killed in the line of duty; amending RCW 46.16.313 and 46.16.316; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SSB 6161 by Senate Committee on Judiciary (originally sponsored by Senators Regala, McCaslin, Franklin, Brandland, B. Sheldon, Esser, Spanel, Winsley, Rasmussen, Kastama, Kohl-

Welles, Shin, Haugen, Keiser, Hargrove, Kline, Doumit, Eide, Fraser, Jacobsen, Benton, Oke, Brown, Murray and McAuliffe)

AN ACT Relating to general authority Washington law enforcement agencies adopting policies addressing domestic violence committed or allegedly committed by general authority Washington peace officers; amending RCW 10.99.020; adding a new section to chapter 10.99 RCW; and creating new sections.

Referred to Committee on Juvenile Justice & Family Law.

SSB 6201 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford and Prentice)

AN ACT Relating to regulating liquified petroleum gas; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6269 by Senators Hale, Doumit, Hewitt and Brandland

AN ACT Relating to harbor lines in Blaine, Edmonds, Ilwaco, Kennewick, and Pasco; and amending RCW 79.92.030.

Referred to Committee on Agriculture & Natural Resources.

SSB 6325 by Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen and Esser)

AN ACT Relating to special license plates; amending RCW 46.16.381, 46.16.735, and 46.16.755; adding a new section to chapter 46.16 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6417 by Senators Roach and Kastama; by request of Secretary of State

AN ACT Relating to reorganization of statutes on elections; amending RCW 29A.04.255, 29A.04.330, 29A.08.320, 29A.08.620, 29A.08.720, 29A.16.040, 29A.20.020, 29A.60.030, 29A.60.080, and 29A.60.190; reenacting and amending RCW 29A.84.240; reenacting RCW 29.04.075, 29.04.260, 29.33.305, 29.79.075, 29A.32.120, 29A.40.070, 29A.48.010, 29A.48.020, and 29A.84.270; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.12 RCW; adding a new section to chapter 29A.72 RCW; recodifying RCW 29.04.075 and 29.04.260, 29.33.305, and 29.79.075; repealing RCW 29.51.215; and providing an effective date.

Referred to Committee on State Government.

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

REPORTS OF STANDING COMMITTEES

February 3, 2004

HB 1949 Prime Sponsor, Nixon: Providing financial assistance for victims of domestic violence seeking protection orders. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell and Hinkle.

February 2, 2004

HB 2234 Prime Sponsor, Romero: Creating the legislative buildings committee. Reported by
Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Eickmeyer; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; Simpson, G.; Veloria and Woods.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2326 Prime Sponsor, Campbell: Streamlining the health care disciplinary process. Reported by
Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander.

Passed to Committee on Appropriations.

January 30, 2004

HB 2430 Prime Sponsor, O'Brien: Purchasing manufactured homes. Reported by Committee on Trade
& Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; McCoy; Ormsby; Pettigrew; Priest and Rodne.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Kristiansen.

Passed to Committee on Appropriations.

February 2, 2004

HB 2510 Prime Sponsor, Conway: Modifying provisions concerning unemployment compensation.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 2, 2004

HB 2563 Prime Sponsor, Upthegrove: Providing nonagricultural commercial and retail uses that
support and sustain agricultural operations on designated agricultural lands of long-term
significance. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Simpson, D., Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 2, 2004

HB 2669 Prime Sponsor, Moeller: Establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Simpson, D., Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Erickson; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

January 30, 2004

HB 2691 Prime Sponsor, Eickmeyer: Providing a business and occupation tax exemption for qualifying small businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Passed to Committee on Finance.

January 30, 2004

HB 2735 Prime Sponsor, Ormsby: Allowing federally recognized Indian tribes in rural counties and rural natural resources impact areas to be eligible for assistance under the community economic revitalization board's rural program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2786 Prime Sponsor, Cody: Improving patient safety practices. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Moeller; Rodne and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Skinner.

Passed to Committee on Appropriations.

February 2, 2004

HB 2878 Prime Sponsor, Romero: Making changes to county treasurer statutes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Simpson, D., Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Erickson; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

There being no objection, HOUSE BILL NO. 1949 was placed on the second reading calendar.

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

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1012, By House Committee on Judiciary (originally sponsored by Representatives Bush, Veloria, Miloscia, Kirby, Kenney, Dunshee and Conway)

Regarding residential landlord-tenant relationships.

The bill was read the third time.

Representative Bush spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representative Mastin was excused. On motion of Representative Santos, Representative Flannigan was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1012.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1012 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Mastin - 2.

SUBSTITUTE HOUSE BILL NO. 1012, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1064, By Representatives Eickmeyer, Buck, Haigh and Blake

Authorizing the use of signs, banners, or decorations over highways under limited circumstances.

Representatives Eickmeyer and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1064.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1064 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Mastin - 2.

HOUSE BILL NO. 1064, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1119, By Representatives Ruderman, Nixon, Haigh, McDermott, Tom, Miloscia, Clibborn, Hudgins, Cody, Hunter, Kessler and Darneille

Regulating mail to constituents.

Representatives Ruderman and Nixon spoke in favor of passage of the bill.

Representatives Schoesler and Benson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1119.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1119 and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Blake, Cairnes, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Benson, Boldt, Buck, Bush, Carrell, Chandler, Clements, Cox, Delvin, Dunshee, Hinkle, Holmquist, McDonald, McMahan, Mielke, Newhouse, Schindler, Schoesler, Shabro, Skinner, Sump and Talcott - 23.

Excused: Representatives Flannigan and Mastin - 2.

HOUSE BILL NO. 1119, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1123, By House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Fromhold, Jarrett, Berkey, Chase, Kessler, Wallace, Conway, Wood, Cody, McCoy and Upthegrove)

Creating the state financial aid account.

There being no objection, the rules were suspended and SECOND SUBSTITUTE HOUSE BILL NO. 1123 was returned to second reading for purpose of amendment.

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

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1123, By House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Fromhold, Jarrett, Berkey, Chase, Kessler, Wallace, Conway, Wood, Cody, McCoy and Upthegrove)

Creating the state financial aid account.

Representative Kenney moved the adoption of the following amendment (767):

On page 2, line 20, strike "2003" and insert "2004"

Representative Kenney spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kenney and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1123.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1123 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2. Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Mastin - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1123, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1375, By Representatives Dickerson, Sommers, Cody, Wallace, Campbell and McMahan

Eliminating basic health plan eligibility of persons holding student visas.

The bill was read the third time.

Representatives Dickerson and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1375.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1375 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Mastin - 2.

HOUSE BILL NO. 1375, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1433, By Representatives Cooper, Pearson, Lovick and Kristiansen

Designating highways of statewide significance.

Representatives Cooper, Pearson, Campbell and Bush spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representative Eickmeyer was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1433.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1433 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, Flannigan and Mastin - 3.

ENGROSSED HOUSE BILL NO. 1433, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 5, 2004, the 25th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

TWENTY FOURTH DAY, FEBRUARY 4, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 5, 2004

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

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

MESSAGE FROM THE SENATE

February 4, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418, and the same is herewith transmitted.

Milt H. Doumit, Secretary

INTRODUCTION & FIRST READING

HB 3185 by Representatives Boldt and McMahan

AN ACT Relating to creating an academic bill of rights; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 3186 by Representatives Hudgins, Conway, Romero and Hunt

AN ACT Relating to consumer knowledge of contact center operations; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 3187 by Representatives Romero, Hudgins, Conway, Hunt, McDermott, Morrell and Chase

AN ACT Relating to prohibiting work under state contracts from being performed at locations outside the United States; amending RCW 39.29.008, 41.06.142, 43.19.1911, and 43.19.1932; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 47.28 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3188 by Representatives Conway and Wood

AN ACT Relating to liability to the department of labor and industries for premiums, overpayments, and penalties; amending RCW 51.08.177, 51.12.070, 51.36.110, and 51.32.240; adding a new section to chapter 51.48 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3189 by Representatives Dunshee, Priest and Anderson

AN ACT Relating to expanding the criteria for habitat conservation programs; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 79A.15.080, and 84.33.140; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Capital Budget.

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

REPORTS OF STANDING COMMITTEES

February 3, 2004

HB 2313 Prime Sponsor, Representative Carrell: Regulating bail bond recovery agents. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist.

Referred to Committee on Appropriations.

February 3, 2004

HB 2332 Prime Sponsor, Representative Sullivan: Creating the investing in innovation account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2336 Prime Sponsor, Representative Schual-Berke: Providing for stem cell research. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Rodne and Skinner.

Referred to Committee on Appropriations.

February 3, 2004

HB 2345 Prime Sponsor, Representative Sommers: Establishing a commemorative works account for the department of general administration. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2359 Prime Sponsor, Representative Kagi: Altering the amount of earned release time available for certain jail inmates. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2363 Prime Sponsor, Representative Kagi: Eliminating the supervision of certain probationers by the department of corrections. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Referred to Committee on Appropriations.

February 3, 2004

HB 2380 Prime Sponsor, Representative Grant: Requiring the governor's signature on significant legislative rules. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon; Tom and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Hunt and McDermott.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2414 Prime Sponsor, Representative Kenney: Refining membership of the nursing care quality assurance commission. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2418 Prime Sponsor, Representative Cooper: Providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2419 Prime Sponsor, Representative G. Simpson: Calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2424 Prime Sponsor, Representative Hudgins: Authorizing elected officials to solemnize marriages. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Lovick and Uptegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Delvin, Ranking Minority Member; Carrell and Hinkle.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2438 Prime Sponsor, Representative Buck: Revising provision for elections for changing a municipal plan of government. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Uptegrove.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2454 Prime Sponsor, Representative Buck: Allowing DNR to accept voluntary contributions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2490 Prime Sponsor, Representative Haigh: Providing for representation on governing body for public hospital district that joins with another entity. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2504 Prime Sponsor, Representative Schoesler: Concerning water policy in regions with regulated reductions in aquifer levels. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2505 Prime Sponsor, Representative Schual-Berke: Revising the fee for birth certificates suitable for display. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2556 Prime Sponsor, Representative O'Brien: Studying criminal background check processes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2559 Prime Sponsor, Representative O'Brien: Authorizing the certification of corrections officers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Referred to Committee on Appropriations.

February 3, 2004

HB 2575 Prime Sponsor, Representative Cairnes: Relating to provisions of the Washington horse racing commission's authority. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2595 Prime Sponsor, Representative Dickerson: Monitoring compliance with standards regarding the sale of violent video and computer games. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Delvin, Ranking Minority Member; Carrell and Hinkle.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2601 Prime Sponsor, Representative Lovick: Prohibiting the unlawful discharge of reserve officers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2621 Prime Sponsor, Representative Blake: Providing for a razor clam license. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Referred to Committee on Appropriations.

February 3, 2004

HB 2626 Prime Sponsor, Representative Hatfield: Allowing the department of fish and wildlife to allocate certain forfeited moneys for coastal groundfish management and research. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Referred to Committee on Appropriations.

February 3, 2004

HB 2628 Prime Sponsor, Representative Kagi: Revising provisions relating to public access to child in need of services and at-risk youth hearings. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2629 Prime Sponsor, Representative Kagi: Requiring release of court hearing information. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2632 Prime Sponsor, Representative Clibborn: Allowing fax and electronic mail notice of special meetings. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2652 Prime Sponsor, Representative O'Brien: Making persons convicted of felony hit and run ineligible for fifty percent earned release credits. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2683 Prime Sponsor, Representative Haigh: Changing provisions relating to providing notice of proposed rule changes. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2004

HB 2705 Prime Sponsor, Representative Dunshee: Creating a developmental disabilities community trust account. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Eickmeyer; Flannigan; Hankins; Hinkle; Kirby; Lantz; Morrell; Murray; Newhouse; O'Brien; G. Simpson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Mastin; Orcutt; Schoesler and Woods.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2707 Prime Sponsor, Representative Kenney: Reaffirming the mission of the higher education branch campuses. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2711 Prime Sponsor, Representative Kenney: Funding a central resource center for the nursing work force. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

February 3, 2004

HB 2716 Prime Sponsor, Representative D. Simpson: Increasing penalties for eluding a police vehicle. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

February 3, 2004

HB 2741 Prime Sponsor, Representative Miloscia: Managing digital public records. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2744 Prime Sponsor, Representative Miloscia: Implementing the Help America Vote Act. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 3, 2004

HB 2752 Prime Sponsor, Representative O'Brien: Concerning forfeited property. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2787 Prime Sponsor, Representative Kessler: Providing immunity from liability for licensed health care providers at community health care settings. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2788 Prime Sponsor, Representative Kessler: Establishing priority for funds in the liability insurance program for retired primary care providers volunteering to serve low-income patients. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2794 Prime Sponsor, Representative Condotta: Allowing licensees to pay for liquor using debit and credit cards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Finance.

February 4, 2004

HB 2811 Prime Sponsor, Representative Jarrett: Establishing permit processing timelines and reporting requirements for certain local governments subject to the requirements of RCW 36.70A.215. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2831 Prime Sponsor, Representative Chandler: Increasing the number of days certain fairs can use the special occasion liquor license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2834 Prime Sponsor, Representative Schual-Berke: Improving the discipline of health professions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Campbell; Clibborn; Darneille; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Rodne and Skinner.

Referred to Committee on Appropriations.

February 3, 2004

HB 2867 Prime Sponsor, Representative McDermott: Conforming legal notice broadcast requirements to current practice. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2875 Prime Sponsor, Representative Upthegrove: Creating a task force to enhance youth voter education programs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2879 Prime Sponsor, Representative Cody: Revising the department of health's health professions disciplinary authority. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander; Rodne and Skinner.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2919 Prime Sponsor, Representative Condotta: Adjusting ORV fees. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Referred to Committee on Capital Budget.

February 4, 2004

HB 2957 Prime Sponsor, Representative Linville: Authorizing local preferences in purchases by local governments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Mielke; Moeller and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 3045 Prime Sponsor, Representative Veloria: Directing the board of natural resources to exchange certain common school trust land. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Eickmeyer; Flannigan; Hankins; Hinkle; Kirby; Lantz; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; G. Simpson; Veloria and Woods.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 3051 Prime Sponsor, Representative Pettigrew: Revising notice provisions for proceedings involving Indian children. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 3088 Prime Sponsor, Representative Linville: Preserving farms. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen and Sump.

Referred to Committee on Appropriations.

February 3, 2004

HJM 4030 Prime Sponsor, Representative Schual-Berke: Encouraging stem cell research. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Rodne and Skinner.

Passed to Committee on Rules for second reading.

February 3, 2004

HJM 4036 Prime Sponsor, Representative Linville: Requesting federal funding to help implement certain Clean Water Act requirements. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman;

Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 4, 2004

HJR 4215 Prime Sponsor, Representative Sommers: Authorizing consolidation or merging of statutory and constitutional county functions and structures. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Mielke; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern and Ericksen.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 6, 2004, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

TWENTY FIFTH DAY, FEBRUARY 5, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 06, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elizabeth Partlow and Joe Thompson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Colonel Chaplain Gerald Pryor, Washington National Guard.

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

RESOLUTION

HOUSE RESOLUTION NO. 2004-4686, By Representatives Benson, Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods

WHEREAS, Nearly eight thousand eight hundred men and women of the Washington National Guard composed of Air National Guard and Army National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness who reside in every legislative district throughout Washington volunteer their time and use their personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Washington National Guard again answered the state's call numerous times in the last year and provided fire fighting support efforts in response to fires threatening thousands of acres of public and private lands, and protected lives in both civil and natural emergencies and disasters; and

WHEREAS, The Washington National Guard has provided additional security at our state's airports, and at numerous locations across the globe in response to the horrific terrorist attacks on our nation on September 11, 2001; and

WHEREAS, The Washington National Guard was activated to serve our nation in support of international border crossing security this last year to protect our state and nation; and

WHEREAS, The Washington National Guard continues to promote positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Washington National Guard continues to be an active participant in the state's counter-drug efforts by providing soldiers, airmen, and specialized equipment in support of seventy local, state, and federal law enforcement agencies; and

WHEREAS, The dedication of these men and women last year contributed to hundreds of drug-related arrests and seizures and the destruction of millions of dollars of illegal drugs; and

WHEREAS, The Washington National Guard adds value to communities by opening armories for public use for distance learning classes, food banks, and other community and youth activities; and

WHEREAS, The Washington National Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, A majority of the major units and members of the Washington National Guard have been called to active duty in support of Operation Iraqi Freedom, and serve with dedication, valor, and courage, and at great personal risk and sacrifice; and

WHEREAS, The families of guardsmen and women called to active duty are continuing their lives in support of their loved ones, with great hardship and challenge;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard personnel for their support, without which the Washington National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives specifically and particularly recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the Army and Air Force, and the President of the United States.

HOUSE RESOLUTION NO. 4686 was adopted.

The Speaker assumed the chair.

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

THIRD READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, By House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Haigh, Simpson, G., Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Voloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell)

Enhancing government accountability.

There being no objection, the rules were suspended and SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053 was returned to second reading for purpose of amendment.

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

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, By House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Haigh, Simpson, G., Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Voloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell)

Enhancing government accountability.

With the consent of the House, amendment (756) was withdrawn.

Representative Miloscia moved the adoption of the following amendment (777):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

- (1) Citizens demand and deserve more accountability of public programs;
- (2) Washington state government and other entities that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars;
- (3) A comprehensive system of measuring performance is necessary to evaluate the effectiveness of agency programs and agency performance management practices, and to demonstrate accountability; and
- (4) Fair, independent, and professional audits of agency performance are necessary to ensure that government programs are achieving their intended goals and using their resources in the most productive manner.

NEW SECTION. Sec. 2. A new section is added to chapter 43 RCW to read as follows: For purposes of sections 3 through 6 of this act:

- (1) "Board" means the citizen oversight board created in section 3 of this act.
- (2) "Draft work plan" means the work plan for conducting performance audits of state agencies proposed by the board based on the statewide performance system review.
- (3) "Final performance audit report" means a written document released by the citizen oversight board that includes the findings and comments from the preliminary performance audit report.

(4) "Final work plan" means the work plan for conducting performance audits of state agencies adopted by the board.

(5) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program effectiveness audits.

(6) "Performance system review" means an objective and systematic assessment of a state agency's performance and outcome measures and its systems for managing towards accomplishment of the outcomes.

(7) "Preliminary performance audit report" means a written document prepared after the completion of a performance audit to be submitted for comment before the final performance audit report. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency being audited.

(8) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all elective offices in the executive branch of state government.

NEW SECTION. Sec. 3. A new section is added to chapter 43 RCW to read as follows:

(1) The citizen oversight board is created to improve efficiency, effectiveness, and accountability in state government.

(2) The board shall consist of eight members as follows:

(a) One member shall be the state auditor, who shall be a nonvoting member;

(b) One member shall be the chair of the joint legislative audit and review committee, or his or her designee, who shall be a nonvoting member;

(c) One member shall be the director of the office of financial management, who shall be a nonvoting member;

(d) Four of the members shall be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a person from each list provided by each caucus; and

(e) The governor shall select one additional member.

(3) The board shall elect a chair. Neither the chair of the joint legislative audit and review committee, the director of the office of financial management, nor the state auditor may serve as chair.

(4) Appointees shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields.

(5) Members selected under subsection (2) (d) and (e) shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(6) The joint legislative audit and review committee and the office of financial management shall provide clerical, technical, and management personnel to the board to serve as the board's staff jointly.

(7) The board shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the board.

(8) The members of the board shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. A new section is added to chapter 43 RCW to read as follows:

(1) The board will work with the office of financial management and the joint legislative audit and review committee regarding reviews of agency performance measurement systems. The reviews shall include regular assessments of the measures and methods that state agencies use to manage program and agency performance.

(a) The office of financial management shall review the performance measurement systems of state agencies. The purpose of these reviews is to ensure that the governor, agency management and the legislature has the means to adequately and accurately assess the performance and outcomes of those agencies and departments. Where two or more agencies have shared responsibility for functions or priorities of government, these reviews can also ensure that effective interagency cooperation and collaboration occurs in areas such as program coordination, administrative structures, information systems and administration of grants and loans.

(b) The office of financial management shall review the performance measurement system of each agency, board, department or institution not less than every five years. In setting the schedule and the extent of reviews, the office of financial management shall consider the timing and results of other recent reviews and audits conducted by the joint legislative audit and review committee and performance audits under subsection (2) of this section, the seriousness of past findings, any inadequate remedial action taken by an agency, department of

institution, whether a state agency lacks performance and outcome measures, and the desirability to include a diverse range of agencies each year.

(c) The office of financial management shall work with the board to develop the criteria, schedule and methodology for conducting these reviews. The reviews may include, but not be limited to, the following:

(i) A determination of whether the performance and outcome measures are consistent with legislative mandates, strategic plans, mission statements and goals and objectives, and whether the legislature has established clear mandates, strategic plans, mission statements and goals and objectives that lend themselves to performance and outcome measure;

(ii) An examination of how agency management uses the measures to manage resources in an efficient and effective manner;

(iii) An assessment of how performance benchmarks are used to assess overall performance compared to external standards and benchmarks;

(iv) An examination of how measurement data is used to make planning and operational improvements;

(v) A determination of how performance measures are used in the budget planning, development, and allotment process and the extent to which the agency is in compliance with its responsibilities under RCW 43.88.090;

(vi) A review of how performance data are reported to the legislature;

(vii) An assessment of whether the performance measure data are reliable and collected in a uniform and timely manner;

(viii) An assessment of whether the collection of measures used by an agency is balanced and reflects service quality, internal and external customer satisfaction, productivity, efficiency, program effectiveness, and regulatory compliance;

(ix) An assessment of the effectiveness of agency programs related to planning, resourcing, organizing, directing, and controlling program operations, and the systems put in place for measuring, evaluating, reporting, and monitoring program performance. Such systems include personnel systems, purchasing systems, contracting systems, organizational structures, and information technology systems; and

(x) Recommendations as necessary or appropriate.

(d) Completed performance measurement system reviews shall be presented to the board and the governor and published on the internet. Final reports shall also be transmitted to the joint legislative audit and review committee and the appropriate policy and fiscal standing committees of the legislature.

(e) The office of financial management shall provide guidance and training to state agencies to support their development of performance measurement systems.

(2) The board shall work with the state auditor's office and the joint legislative audit and review committee regarding performance audits of state government.

(a) The board shall establish criteria for performance audits. Agencies shall be audited using criteria that include generally accepted government auditing standards. Audits may evaluate the effectiveness of agency programs as well as agency internal performance management systems and controls.

(b) The board shall use the results of the performance system reviews conducted by the office of financial management, as well as input from citizens, state employees, state managers, the joint legislative audit and review committee, public officials and others to prepare a draft work plan for conducting performance audits. The board shall develop a schedule and common methodology for conducting these audits.

(c) The draft work plan may include a list of agencies, programs, or systems to be audited on a time line decided by the board based on a number of factors including risk, importance, and citizen concerns. All audits shall be designed to be completed within a six-month period.

(d) Before adopting the final work plan, the board shall consult with the legislative auditor and other appropriate oversight and audit entities to coordinate work plans and avoid duplication of effort in their planned performance audits of state government agencies. The board shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing.

(e) The state auditor shall contract with qualified independent evaluators to conduct the performance audits included in the final work plan approved by the board. In conducting the audits, the independent evaluator may consult with agency front-line employees and internal auditors.

(f) The audits may evaluate efficiency as well as program effectiveness and may include:

(i) The extent to which legislative, regulatory, or organizational goals and objectives are being achieved;

(ii) The relative ability of alternative approaches to yield better program performance or eliminate factors that inhibit program effectiveness;

(iii) The relative cost and benefits or cost effectiveness of program performance;

(iv) Whether a program produced intended results or produced effects that were not intended by the program's objectives;

(v) The extent to which programs duplicate, overlap, or conflict with other related programs;

(vi) The validity and reliability of performance measures concerning program effectiveness and results, or economy and efficiency.

(g) Audits may also identify and recognize best practices.

(h) The state auditor shall solicit comments on preliminary performance audit reports from the audited state agency, the office of the governor, the office of financial management, the board, and the joint legislative audit and review committee for comment. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. All comments shall be incorporated into the final performance audit report. The final audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; conclusions; and identification of best practices.

(i) The final reports shall be submitted to the board by the state auditor. The board shall release final reports to the citizens of Washington, the governor, and the appropriate legislative committees. Final performance audit reports shall be posted on the internet.

NEW SECTION. Sec. 5. A new section is added to chapter 43 RCW to read as follows: The citizen oversight board shall establish an annual assessment and performance grading program. The program shall consist of conducting annual performance assessments and grading state agency performance. Assessments shall be implemented on a phased-in schedule. Initial areas to be assessed shall include quality management, productivity and fiscal efficiency, program effectiveness, contract management and oversight, internal audit, internal and external customer satisfaction, statutory and regulatory compliance, and technology systems and on-line services. As part of this program, the board shall:

(1) Consult with and seek input from elected officials, state employees, and professionals with a background in performance management for establishing the grading standards. In developing the criteria, the board shall consider already developed best practices and audit criteria used by government or nongovernment organizations. Before the assessment, the agencies shall be given the criteria for the assessment and the standards for grading; and

(2) Contract or partner with public or private entities that have expertise in public sector reviews and/or technical expertise in individual assessment areas to perform the assessments and grading of all state agencies. The board may contract or partner with more than one entity for different assessment areas.

(3) The board shall submit the results of the assessment and grading program to the governor, the appropriate legislative committees, and the public by December 15th of each year. The results of the annual assessments and performance grading shall be posted on the internet.

NEW SECTION. Sec. 6. A new section is added to chapter 43 RCW to read as follows:

(1) The reviewed agency is responsible for followup and corrective action on performance measurement system reviews. Agencies under the authority of or appointed by the governor shall submit periodic progress reports detailing actions undertaken toward achieving resolution to the governor and the board until all resolution has occurred. Agencies under the authority of an elected official other than the governor shall submit periodic progress reports detailing actions undertaken toward achieving resolution to the board until all resolution has occurred. Progress reports shall be available on the internet.

(2) The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

Agencies under the authority of or appointed by the governor, the governor shall submit periodic progress reports to the governor and the board until all resolution has occurred. Agencies under the authority of an elected official other than the governor shall submit periodic reports to the board of the action taken by the audited agency until all resolution has occurred. Progress reports shall be available on the internet.

NEW SECTION. Sec. 7. A new section is added to chapter 43.88 RCW to read as follows:

In addition to the authority given the state auditor in RCW 43.88.160(6), the state auditor is only authorized to contract for and oversee performance audits pursuant to section 4 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The citizen oversight board created in section 3 of this act and its powers and duties shall be terminated June 30, 2011, as provided in section 9 of this act. The joint legislative audit and review committee shall contract with a private entity for the review in this section.

NEW SECTION. Sec. 9. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2012:

- (1) Section 2 of this act;
- (2) Section 3 of this act;

- (3) Section 4 of this act;
- (4) Section 5 of this act;
- (5) Section 6 of this act; and
- (6) Section 7 of this act.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 11. Sections 2 through 6 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Representatives Miloscia and Armstrong spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Miloscia, Armstrong, Haigh, Sullivan and Orcutt spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

The Speaker stated the question before the House to be the final passage of Third Engrossed Substitute House Bill No. 1053.

ROLL CALL

The Clerk called the roll on the final passage of Third Engrossed Substitute House Bill No. 1053 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Flannigan - 1.

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

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

THIRD READING

HOUSE BILL NO. 1510, By Representatives Haigh, Eickmeyer, Morris and Simpson, G.

Modifying the pro-rationing of fire protection district property tax levies.

There being no objection, the rules were suspended and HOUSE BILL NO. 1510 was returned to second reading for purpose of amendment.

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

SECOND READING

HOUSE BILL NO. 1510, By Representatives Haigh, Eickmeyer, Morris and Simpson, G. Modifying the pro-rationing of fire protection district property tax levies.

Representative McIntire moved the adoption of the following amendment (770):

Beginning on page 1, line 14, strike all of section 2 and insert the following:

"Sec. 2. RCW 84.52.043 and 2003 c 83 s 311 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; ~~((and))~~ (g) levies imposed by ferry districts under RCW 36.54.130; and (h) the portions of levies by fire protection districts that are protected under section 1 of this act."

On page 2, line 37, strike "2004" and insert "2005"

Representatives McIntire and Cairnes spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1510.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1510 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Jarrett - 1.

Excused: Representative Flannigan - 1.

ENGROSSED HOUSE BILL NO. 1510, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1572, By Representatives Kirby, Newhouse, Moeller, Campbell, Fromhold, Hinkle and Condotta

Increasing small claims judgments upon failure to pay.

The bill was read the third time.

Representatives Kirby and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1572.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1572 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Flannigan - 1.

HOUSE BILL NO. 1572, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1952, By Representatives Hatfield, Blake and Cooper

Designating highways of statewide significance.

Representatives Hatfield and Ericksen spoke in favor of passage of the bill.

Representative Mielke spoke against the of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1952.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1952 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Boldt, McMahan, Mielke, and Orcutt - 4.

Excused: Representative Flannigan - 1.

HOUSE BILL NO. 1952, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089, By House Committee on Higher Education (originally sponsored by Representatives McCoy, Wallace, Morrell, Kenney and Miloscia)

Changing veterans' tuition waiver provisions.

Representatives McCoy, Cox and D. Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2089.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2089 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Flannigan - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 2090, By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Clements, Sump and Orcutt)

Prohibiting interference with search and rescue dogs.

Representatives Clements and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2090.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2090 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Flannigan - 1.

SUBSTITUTE HOUSE BILL NO. 2090, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2129, By Representatives Sommers, Haigh, Anderson, Hunter, Tom, McDermott, Talcott and Nixon

Requiring agency reports to the legislature to be submitted electronically.

Representatives Sommers and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2129.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2129 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Flannigan - 1.

HOUSE BILL NO. 2129, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4007, By Representatives Hinkle, Chopp, Haigh, Woods, Dunshee, Kirby, Boldt, O'Brien, Armstrong, DeBolt, Ahern, Newhouse, G. Simpson,

Holmquist, Cairnes, Sump, Pearson, Shabro, Delvin, Hudgins, Linville, Conway, Skinner, Sullivan and Kenney

Requesting the issuance of an American coalminers stamp.

Representatives Hinkle and Rockefeller spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4007.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4007 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Flannigan - 1.

HOUSE JOINT MEMORIAL NO. 4007, having received the necessary constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

February 4, 2004

HB 1039 Prime Sponsor, Representative G. Simpson: Revising rules for vesting of short subdivisions.
Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

February 5, 2004

ESHB 1151 Prime Sponsor, Representative Committee On Judiciary: Regulating the keeping of dangerous wild animals. Reported by Committee on Judiciary

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Campbell; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Newhouse.

Passed to Committee on Rules for second reading.

February 4, 2004

ESHB 1230 Prime Sponsor, Representative Committee On Financial Institutions & Insurance:
Regulating insurable interests and employer-owned life and disability insurance.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 1281 Prime Sponsor, Representative Pettigrew: Promoting economic development and community revitalization. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Morris and Roach.

MINORITY recommendation: Do not pass. Signed by Representatives Conway and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 1328 Prime Sponsor, Representative Fromhold: Clarifying that boarding homes are not subject to taxation under chapter 82.04 RCW. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 1357 Prime Sponsor, Representative Quall: Modifying the taxation of physical fitness services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Morris and Roach.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Chairman; Conway and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 1488 Prime Sponsor, Representative Miloscia: Requiring quality management programs for state agencies. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Boldt; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2004

SHB 1517 Prime Sponsor, Representative Committee On Commerce & Labor: Establishing objectives for certain fire department services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 1547 Prime Sponsor, Representative Conway: Limiting lien authority against a residential homeowner. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 1548 Prime Sponsor, Representative McCoy: Authorizing penalties for wage payment violations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 1582 Prime Sponsor, Representative Schual-Berke: Forming market assistance plans and joint underwriting associations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Cooper; Hatfield; Santos and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell and Roach.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 1603 Prime Sponsor, Representative Flannigan: Revising standards for antiharassment protection order hearings. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 2004

SHB 1702 Prime Sponsor, Representative Committee On Transportation: Recovering costs for motorist information signs. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 4, 2004

2SHB 1796 Prime Sponsor, Representative Committee On Appropriations: Funding driver's education for low-income students. Reported by Committee on Transportation

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Bailey; Kristiansen; Mielke; Nixon; Rodne and Woods.

Referred to Committee on Appropriations.

February 4, 2004

HB 1862 Prime Sponsor, Representative Ruderman: Regulating naturopathic physicians. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Pearson, Assistant Ranking Minority Member; Anderson; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Chandler; Cox; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 1897 Prime Sponsor, Representative Kenney: Establishing a trainee real estate appraiser classification. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 6, 2004

EHB 1926 Prime Sponsor, Representative Lantz: Limiting the use of expert witnesses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Flannigan; Kirby and Lovick.

MINORITY recommendation: Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell and Newhouse.

Passed to Committee on Rules for second reading.

February 6, 2004

EHB 1927 Prime Sponsor, Representative Lantz: Concerning mandatory mediation and arbitration of health care claims. (REVISED FOR ENGROSSED: Concerning mandatory mediation of health care claims.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Campbell; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Newhouse.

Passed to Committee on Rules for second reading.

February 6, 2004

ESHB 1928 Prime Sponsor, Representative Committee On Judiciary: Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 1929 Prime Sponsor, Representative Lantz: Reenacting the eight-year statute of repose. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2055 Prime Sponsor, Representative Morris: Modifying the taxation of bundled telecommunications services. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Technology, Telecommunications & Energy. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2131 Prime Sponsor, Representative Grant: Concerning retail sales by the liquor control board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Referred to Committee on Finance.

February 5, 2004

HB 2154 Prime Sponsor, Representative Wood: Making spinal cord stimulators and drug infusion pumps available to injured workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Without recommendation. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2275 Prime Sponsor, Representative Mastin: Expanding the criteria for habitat conservation programs. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Chase; Hankins; Hinkle; Kirby; Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; G. Simpson; Veloria and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Bush; Orcutt and Schoesler.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2308 Prime Sponsor, Representative Schoesler: Requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper, Chairman; Uptegrove, Vice Chairman.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2319 Prime Sponsor, Representative Wallace: Regulating traffic signal preemption devices. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2320 Prime Sponsor, Representative Linville: Creating a wetland mitigation program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member; Orcutt and Sump.

Referred to Committee on Appropriations.

February 3, 2004

HB 2322 Prime Sponsor, Representative McDonald: Requiring prehire screening for law enforcement applicants. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

February 5, 2004

HB 2325 Prime Sponsor, Representative Wood: Modifying the prohibited practices of collection agencies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Hudgins and Kenney.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2333 Prime Sponsor, Representative Hudgins: Concerning energy efficiency and renewable energy standards. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Anderson; Bush; Delvin; McMahan and McMorris.

Referred to Committee on Appropriations.

February 5, 2004

HB 2339 Prime Sponsor, Representative Morris: Providing tax relief for aluminum smelters. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2344 Prime Sponsor, Representative Alexander: Managing the motor pool within the department of general administration. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2346 Prime Sponsor, Representative Veloria: Promoting investment in Washington businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; Blake; Chase; McCoy; Ormsby and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Assistant Ranking Minority Member; Condotta; Kristiansen; Priest and Rodne.

Referred to Committee on Appropriations.

February 6, 2004

HB 2349 Prime Sponsor, Representative Ericksen: Allowing small scale resource extraction without written approval. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2350 Prime Sponsor, Representative Ericksen: Regulating fees for using an automated teller machine. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2352 Prime Sponsor, Representative Hudgins: Prohibiting employers from requiring employees to train their successors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2367 Prime Sponsor, Representative Linville: Promoting Washington-grown apples. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2381 Prime Sponsor, Representative Kenney: Ensuring the quality of degree-granting institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2382 Prime Sponsor, Representative Kenney: Improving articulation and transfer between institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Higher Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2383 Prime Sponsor, Representative Kenney: Providing for paying part-time faculty at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Priest, Assistant Ranking Minority Member; Chase; Jarrett; McCoy; Morrell and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Cox, Ranking Minority Member; Boldt and Condotta.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2384 Prime Sponsor, Representative Schindler: Requiring voter approval of certain city assumptions of water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Clibborn; Ericksen; Mielke; Moeller and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Edwards.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2394 Prime Sponsor, Representative Newhouse: Extending a wildlife crop damage reimbursement program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2396 Prime Sponsor, Representative Linville: Concerning instream flows. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Referred to Committee on Appropriations.

February 4, 2004

HB 2404 Prime Sponsor, Representative Nixon: Establishing requirements for cancer registry information to be provided to cancer patients. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2406 Prime Sponsor, Representative McCoy: Requiring tribal history and culture curriculum. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox and McMahan.

Referred to Committee on Appropriations.

February 4, 2004

HB 2417 Prime Sponsor, Representative G. Simpson: Notifying home buyers or tenants of where information regarding registered sex offenders may be obtained. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2429 Prime Sponsor, Representative O'Brien: Changing provisions relating to the adjustment of child support orders. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Delvin, Ranking Minority Member; Carrell and Hinkle.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2431 Prime Sponsor, Representative Upthegrove: Establishing a Dungeness crab endorsement. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Referred to Committee on Appropriations.

February 6, 2004

HB 2436 Prime Sponsor, Representative Morrell: Increasing the combined disposable income eligibility threshold for the retired persons property tax relief program. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2447 Prime Sponsor, Representative Sullivan: Providing tax incentives for alternative fuels. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2448 Prime Sponsor, Representative Morris: Applying hours of service rules to utilities. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; McMorris; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2449 Prime Sponsor, Representative Cody: Concerning increasing a health profession's scope of practice. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Benson; Campbell; Clibborn; Darneille; Edwards and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2450 Prime Sponsor, Representative Haigh: Authorizing background checks on gubernatorial appointees. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2456 Prime Sponsor, Representative McDonald: Establishing provisions for disclosure of sexual misconduct by applicants for school district employment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 4, 2004

HB 2457 Prime Sponsor, Representative Hatfield: Allowing title insurance companies to provide a guarantee covering its agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2460 Prime Sponsor, Representative Cody: Providing access to health insurance for small employers and their employees. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2470 Prime Sponsor, Representative Lovick: Clarifying damages recoverable in highway accidents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Campbell;

Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Rodne; Romero; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Armstrong; Bailey; Kristiansen; Mielke; Schindler and Shabro.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2475 Prime Sponsor, Representative Murray: Facilitating enforcement of toll violations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2476 Prime Sponsor, Representative Murray: Facilitating vehicle toll collection. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2478 Prime Sponsor, Representative Cooper: Concerning underground petroleum storage tanks. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Referred to Committee on Appropriations.

February 5, 2004

HB 2479 Prime Sponsor, Representative Kagi: Concerning burn bans for solid fuel burning devices. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Hinkle, Assistant Ranking Minority Member; Buck; O'Brien and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Hatfield and Pearson.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2485 Prime Sponsor, Representative Lantz: Revising the rate of interest on certain tort judgments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Judiciary. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2486 Prime Sponsor, Representative Lantz: Revising negligence standards regarding the failure to wear safety belts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Moeller, Vice Chairman; Campbell; Flannigan and Kirby.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2488 Prime Sponsor, Representative Cooper: Requiring electronic product management. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Hatfield; O'Brien; Pearson and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Buck.

Referred to Committee on Appropriations.

February 5, 2004

HB 2491 Prime Sponsor, Representative Lantz: Modifying dishonored check provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2493 Prime Sponsor, Representative Delvin: Clarifying the effective date of renewed concealed pistol permits. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2497 Prime Sponsor, Representative Linville: Notifying tribes of significant natural resource-related action by certain state entities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2500 Prime Sponsor, Representative McIntire: Conforming Washington's tax structure to portions of the streamlined sales and use tax agreement not implemented by chapter 168, Laws of 2003. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2501 Prime Sponsor, Representative Hunter: Correcting errors in and omissions from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2503 Prime Sponsor, Representative O'Brien: Limiting the imposition of booking fees. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2506 Prime Sponsor, Representative Hinkle: Allowing access roads to private property surrounded by certain public lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2507 Prime Sponsor, Representative Conway: Providing for the recoupment of county and city employee salary and wage overpayments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2511 Prime Sponsor, Representative Flannigan: Clarifying seat belt requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hudgins; Lovick; Rodne; Romero; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Bailey; Campbell; Hatfield; Kristiansen; Mielke; Nixon; Schindler and Shabro.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2512 Prime Sponsor, Representative Hunter: Transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2513 Prime Sponsor, Representative Hudgins: Regulating interior designers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Holmquist; Hudgins and McCoy.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2514 Prime Sponsor, Representative Upthegrove: Clarifying critical areas. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2518 Prime Sponsor, Representative Kirby: Exempting from the state public utility tax the sales of electricity to an electrolytic processing business. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Assistant Ranking Minority Member; Romero and Tom.

Referred to Committee on Finance.

February 6, 2004

HB 2519 Prime Sponsor, Representative Hatfield: Authorizing voter approved property tax levies for criminal justice purposes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2520 Prime Sponsor, Representative Cody: Concerning the disclosure of information by persons licensed under chapter 18.225 RCW. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2524 Prime Sponsor, Representative Carrell: Creating a joint select committee on supervision of offenders in the community. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2526 Prime Sponsor, Representative Schual-Berke: Regulating self-funded multiple employer welfare arrangements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2532 Prime Sponsor, Representative G. Simpson: Modifying commercial driver's license provisions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins;

Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2545 Prime Sponsor, Representative Condotta: Clarifying the meaning of ongoing agricultural activities. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove, Vice Chairman.

Passed to Committee on Rules for second reading.

February 2, 2004

HB 2548 Prime Sponsor, Representative Dickerson: Creating a food bank outreach pilot program. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2553 Prime Sponsor, Representative Pettigrew: Revising the distribution of child support amongst multiple cases. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2554 Prime Sponsor, Representative Dickerson: Authorizing collection of support payments for children with developmental disabilities in out-of-home care. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell and Hinkle.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2557 Prime Sponsor, Representative O'Brien: Authorizing collection of offenders' palmprints. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman; Kagi.

Referred to Committee on Appropriations.

February 4, 2004

HB 2561 Prime Sponsor, Representative Dickerson: Changing the effective date of the uniform interstate family support act. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Hinkle; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2564 Prime Sponsor, Representative McCoy: Authorizing a pilot program for the settlement of water rights. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Referred to Committee on Appropriations.

February 5, 2004

HB 2574 Prime Sponsor, Representative Tom: Authorizing the disclosure of information related to real estate excise taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2577 Prime Sponsor, Representative Linville: Providing for committees of members. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2578 Prime Sponsor, Representative O'Brien: Adding situations in which a crime victim is vulnerable or incapable of resistance due to the lack of a fixed residence to the list of illustrative aggravating circumstances for which an exceptional sentence may be imposed. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi; Pearson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2580 Prime Sponsor, Representative Lovick: Relating to fees charged by counties. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2582 Prime Sponsor, Representative Linville: Pertaining to interim permits for speech-language pathologists and audiologists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2583 Prime Sponsor, Representative Lovick: Authorizing issuance of infractions and citations by electronic device. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2590 Prime Sponsor, Representative Cooper: Phasing in audible pedestrian crossing signals. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2593 Prime Sponsor, Representative Moeller: Authorizing interlocal agreements for annexation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2597 Prime Sponsor, Representative Dickerson: Requiring clergy to report sexual abuse of a child. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2600 Prime Sponsor, Representative Carrell: Revising provisions concerning possession of firearms by persons found not guilty by reason of insanity. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2612 Prime Sponsor, Representative Grant: Modifying provisions concerning the Hanford area economic investment fund. Reported by Committee on Technology, Telecommunications & Energy

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

Referred to Committee on Appropriations.

February 4, 2004

HB 2618 Prime Sponsor, Representative Linville: Concerning commodity commissions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2627 Prime Sponsor, Representative Lantz: Revising the method for estimating the need for judicial positions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2635 Prime Sponsor, Representative Pettigrew: Authorizing port districts to provide consulting services. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2641 Prime Sponsor, Representative Rockefeller: Implementing a one ticket/one seat policy on Washington State Ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2643 Prime Sponsor, Representative Schual-Berke: Requiring information for licensing actions by the department of financial institutions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Hatfield; Roach and D. Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Cooper and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2645 Prime Sponsor, Representative O'Brien: Including municipal indecent exposure and lewd conduct convictions in the state indecent exposure felony determination. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2647 Prime Sponsor, Representative Miloscia: Continuing the existence of the Washington quality award council. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2648 Prime Sponsor, Representative Murray: Revising county road project reporting. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards;

Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2649 Prime Sponsor, Representative Murray: Adjusting population thresholds for membership on the county road administration board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2650 Prime Sponsor, Representative Linville: Recognizing important bird areas. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2651 Prime Sponsor, Representative Sullivan: Increasing the penalty for intercepting, recording, or divulging private communications in executive sessions. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2654 Prime Sponsor, Representative Santos: Requiring a tax expenditure report as part of the biennial budget documents. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2657 Prime Sponsor, Representative Morrell: Modifying training requirements for security guards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2660 Prime Sponsor, Representative G. Simpson: Revising provisions involving alcohol-related offenses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2661 Prime Sponsor, Representative G. Simpson: Creating a web site for information on fugitives. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

February 5, 2004

HB 2662 Prime Sponsor, Representative Hudgins: Using pictograms in transportation signs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2663 Prime Sponsor, Representative Haigh: Requiring use of respectful language in the Revised Code of Washington regarding individuals with disabilities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2670 Prime Sponsor, Representative Moeller: Concerning veterans and veterans' relief. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2672 Prime Sponsor, Representative Moeller: Concerning the effective date of local fireworks ordinances. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2675 Prime Sponsor, Representative McMorris: Modifying electric utility tax credit provisions. Reported by Committee on Technology, Telecommunications & Energy

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

Referred to Committee on Finance.

February 6, 2004

HB 2676 Prime Sponsor, Representative Kenney: Providing for training teachers for the deaf. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Chandler.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2679 Prime Sponsor, Representative Tom: Providing for school directors' associations. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Hunter; McMahan and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Cox; Haigh and Santos.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2680 Prime Sponsor, Representative Cody: Requiring development of a model policy for nutrition and physical activity for schools. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2681 Prime Sponsor, Representative Kenney: Providing for performance contracts with institutions of higher education on a pilot basis. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Referred to Committee on Appropriations.

February 6, 2004

HB 2690 Prime Sponsor, Representative Eickmeyer: Modifying provisions concerning marina lease rates. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

February 5, 2004

HB 2693 Prime Sponsor, Representative Hinkle: Modifying the taxation of timber on publicly owned land. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2694 Prime Sponsor, Representative Santos: Revising distribution of funds for operating and maintenance of very low-income housing projects. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2701 Prime Sponsor, Representative Lovick: Prohibiting weapons in restricted access areas of commercial service airports. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2708 Prime Sponsor, Representative Ormsby: Creating conditional scholarships for prospective teachers. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Referred to Committee on Appropriations.

February 4, 2004

HB 2712 Prime Sponsor, Representative Morrell: Creating a task force on nurses' work environment and patient safety. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander; Benson; Rodne and Skinner.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2715 Prime Sponsor, Representative Schual-Berke: Providing the option of keeping landlord trust account funds in a credit union. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2720 Prime Sponsor, Representative Kenney: Concerning school district superintendent credential preparation programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2723 Prime Sponsor, Representative Morris: Prohibiting unauthorized recording of motion pictures. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2724 Prime Sponsor, Representative Kagi: Providing a tax exemption for certain services for developmentally disabled persons. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2726 Prime Sponsor, Representative D. Simpson: Exempting certain insurance policy forms from filing requirements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2727 Prime Sponsor, Representative D. Simpson: Requiring all insurers to file credit based rating plans. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2728 Prime Sponsor, Representative D. Simpson: Regulating insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2730 Prime Sponsor, Representative Clibborn: Modifying impact fee provisions. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke and Moeller.

MINORITY recommendation: Without recommendation. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Upthegrove.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2732 Prime Sponsor, Representative Tom: Establishing tax deferrals for wood biomass fuel investment projects. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Do not pass. Signed by Representatives Delvin; McMahan and Romero.

Referred to Committee on Finance.

February 4, 2004

HB 2734 Prime Sponsor, Representative Schual-Berke: Addressing mortgage brokers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2740 Prime Sponsor, Representative Schual-Berke: Regulating a joint underwriting association for persons and entities that provide services to children and vulnerable adults. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Cooper; Hatfield; Santos and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell and Roach.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2745 Prime Sponsor, Representative Miloscia: Enhancing integrity of voting systems. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Without recommendation. Signed by Representatives McMahan.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2753 Prime Sponsor, Representative Linville: Creating a joint legislative forest management work group and requiring final sustainable harvest levels to be adopted by rule. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2754 Prime Sponsor, Representative Linville: Preventing the sexual abuse of children by custodians. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2761 Prime Sponsor, Representative McCoy: Reestablishing the Washington commission on student learning. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox and McMahan.

Referred to Committee on Appropriations.

February 4, 2004

HB 2764 Prime Sponsor, Representative Kagi: Providing for integration of services for deaf and hard of hearing children. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2765 Prime Sponsor, Representative Dickerson: Establishing an advisory council on early interventions for children who are deaf or hard of hearing. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 2, 2004

HB 2769 Prime Sponsor, Representative Pettigrew: Reducing hunger. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Dickerson; Miloscia and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey and Shabro.

Referred to Committee on Appropriations.

February 6, 2004

HB 2772 Prime Sponsor, Representative Schual-Berke: Controlling genetic information. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Hatfield; Roach; Santos and D. Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Cooper.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2776 Prime Sponsor, Representative Cody: Concerning problem gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Assistant Ranking Minority Member.
Referred to Committee on Appropriations.

February 5, 2004

HB 2777 Prime Sponsor, Representative McDermott: Providing for a study of after-school programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2779 Prime Sponsor, Representative Clibborn: Limiting liability for information provided by former or current employers to prospective employers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2781 Prime Sponsor, Representative Upthegrove: Changing provisions relating to state agency review of development regulations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2783 Prime Sponsor, Representative Pettigrew: Providing a property tax exemption for nonprofits that assist small businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; Blake; Chase; McCoy; Ormsby and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Kristiansen; Priest and Rodne.

Referred to Committee on Finance.

February 5, 2004

HB 2784 Prime Sponsor, Representative Pettigrew: Creating the small business incubator program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; McCoy; Ormsby; Pettigrew; Priest and Rodne.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Kristiansen.

Referred to Committee on Appropriations.

February 4, 2004

HB 2797 Prime Sponsor, Representative Morrell: Increasing access to health insurance options for certain persons eligible for the Federal Health Coverage Tax Credit under the Trade Act of 2002 (P.L. 107-210). Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2802 Prime Sponsor, Representative Schoesler: Establishing penalties for trading in nonambulatory livestock. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2805 Prime Sponsor, Representative Romero: Creating a blue ribbon commission on land use and local government finance. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Referred to Committee on Appropriations.

February 4, 2004

HB 2807 Prime Sponsor, Representative Murray: Providing for rules concerning off-campus behavior of higher education students. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Condotta; Jarrett and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chase; McCoy and Morrell.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2808 Prime Sponsor, Representative Murray: Authorizing a pilot project for high-occupancy toll lanes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Armstrong; Kristiansen; Mielke and Schindler.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2809 Prime Sponsor, Representative Conway: Creating the business and professions account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Appropriations.

February 5, 2004

HB 2813 Prime Sponsor, Representative Flannigan: Establishing the recording of custodial interrogations pilot project. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

MINORITY recommendation: Without recommendation. Signed by Representatives McMahan, Assistant Ranking Minority Member.
Referred to Committee on Appropriations.

February 5, 2004

HB 2814 Prime Sponsor, Representative Upthegrove: Emphasizing civics education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2816 Prime Sponsor, Representative Schual-Berke: Regulating medical malpractice liability insurance policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2817 Prime Sponsor, Representative Hatfield: Regulating insurance investments in limited liability companies formed to develop real property. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2818 Prime Sponsor, Representative Kagi: Creating the homeless families services fund. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Referred to Committee on Appropriations.

February 4, 2004

HB 2823 Prime Sponsor, Representative Sullivan: Providing incentives to reduce air pollution and improve energy security through the use of alternative fuel vehicles. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Do not pass. Signed by Representatives Delvin and McMahan.

Referred to Committee on Finance.

February 5, 2004

HB 2826 Prime Sponsor, Representative Morris: Revising provisions for taxation of products from vending machines. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2833 Prime Sponsor, Representative Conway: Modifying the definition of sellers of travel. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2836 Prime Sponsor, Representative Schual-Berke: Restricting adverse underwriting decisions for homeowners' insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman;

Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2837 Prime Sponsor, Representative Schual-Berke: Underwriting medical malpractice coverage.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Newhouse, Assistant Ranking Minority Member; Cooper; Hatfield; Santos and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes; Carrell and Roach.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2838 Prime Sponsor, Representative Benson: Regulating capital calls by domestic mutual insurers.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2841 Prime Sponsor, Representative Blake: Providing for flood control zone district administration. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Uptegrove.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2843 Prime Sponsor, Representative Sommers: Creating the Cascadia State University at Bothell.
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Condotta; Jarrett; McCoy; Morrell and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chase.

Referred to Committee on Appropriations.

February 3, 2004

HB 2844 Prime Sponsor, Representative Lovick: Increasing the regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Mielke, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2848 Prime Sponsor, Representative O'Brien: Authorizing tribal law enforcement officers to enforce the laws of the state of Washington. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2849 Prime Sponsor, Representative Kagi: Eliminating credentialing barriers for sex offender treatment providers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2850 Prime Sponsor, Representative Morrell: Eliminating credentialing barriers for health professions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2851 Prime Sponsor, Representative Clibborn: Removing certificate of need limitations on bed capacity and redistribution for federally certified critical access hospitals. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2854 Prime Sponsor, Representative Delvin: Revising provisions concerning seizure, forfeiture, and destruction of explosives. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2863 Prime Sponsor, Representative Santos: Providing certain public notices in other than English. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2866 Prime Sponsor, Representative Crouse: Authorizing the construction and operation of renewable energy projects by joint operating agencies. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Blake; Delvin; Hudgins; Kirby; McMahan; McMorris; Romero; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Nixon, Assistant Ranking Minority Member; Bush.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2870 Prime Sponsor, Representative Romero: Making available relocation assistance payments to low-income tenants. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2871 Prime Sponsor, Representative Darneille: Requiring measuring the performance of the HIV/AIDS service delivery system. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2872 Prime Sponsor, Representative Darneille: Revising DNA testing provision. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2874 Prime Sponsor, Representative Darneille: Changing provisions relating to certificates of discharge of sentence. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2877 Prime Sponsor, Representative Kagi: Revising provisions relating to guardianship of dependent children. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2884 Prime Sponsor, Representative Dunshee: Establishing the orca whale as the state mammal. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2891 Prime Sponsor, Representative Grant: Providing for withdrawal from and addition to a public utility district. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2892 Prime Sponsor, Representative Upthegrove: Creating a center for advanced manufacturing. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; McCoy; Ormsby; Pettigrew and Priest.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Kristiansen and Rodne.

Referred to Committee on Appropriations.

February 6, 2004

HB 2893 Prime Sponsor, Representative Orcutt: Providing timelines for the forest riparian easement program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman;

Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Without recommendation. Signed by Representatives Hunt.

Referred to Committee on Capital Budget.

February 6, 2004

HB 2897 Prime Sponsor, Representative Hunt: Granting the governor powers to temporarily close executive agencies without a state of emergency. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2904 Prime Sponsor, Representative Lovick: Modifying estate adjudication provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2905 Prime Sponsor, Representative Hatfield: Modifying provisions for type 1 limited areas of more intensive rural development. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke and Moeller.

MINORITY recommendation: Without recommendation. Signed by Representatives Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2906 Prime Sponsor, Representative Pettigrew: Increasing the funding for the linked deposit program for minority and women's business loans. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2908 Prime Sponsor, Representative Mielke: Strengthening accountability for salvage vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2910 Prime Sponsor, Representative G. Simpson: Authorizing special license plates for fire fighters and paramedics. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2911 Prime Sponsor, Representative Kenney: Regarding instructional materials for students with disabilities at public and private institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Chase; Jarrett; McCoy; Morrell and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt and Condotta.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2915 Prime Sponsor, Representative Fromhold: Providing for metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2920 Prime Sponsor, Representative Pearson: Allowing the creation of special economic fishery advisory committees. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Referred to Committee on Appropriations.

February 5, 2004

HB 2921 Prime Sponsor, Representative Fromhold: Avoiding fragmentation in bargaining units for classified school employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2931 Prime Sponsor, Representative Campbell: Using the health professions account for professional education and recruitment and retention. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander.

Referred to Committee on Appropriations.

February 5, 2004

HB 2932 Prime Sponsor, Representative Lantz: Allowing forgiveness of certain election costs. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2933 Prime Sponsor, Representative Conway: Clarifying collective bargaining processes for individual providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2934 Prime Sponsor, Representative Wallace: Limiting homeowners' associations' restrictions on the display of the flag. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2935 Prime Sponsor, Representative Bailey: Developing a schedule of fees for performing independent reviews of health care disputes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2938 Prime Sponsor, Representative Bailey: Regarding long-term care financing. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Edwards; Moeller; Rodne; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

February 5, 2004

HB 2940 Prime Sponsor, Representative G. Simpson: Increasing leave from employment for children's educational activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2941 Prime Sponsor, Representative Murray: Requiring vehicle registration at the residence address. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Bailey; Campbell; Clibborn; Cooper; Dickerson; Edwards; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Kristiansen; Mielke and Schindler.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2952 Prime Sponsor, Representative Alexander: Permitting leave sharing policies for local government employers. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Upthegrove.

Referred to Committee on Appropriations.

February 5, 2004

HB 2954 Prime Sponsor, Representative Conway: Modifying lodging taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2955 Prime Sponsor, Representative Hunter: Creating a joint task force on K-12 finance. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 5, 2004

HB 2956 Prime Sponsor, Representative Quall: Strengthening linkages between K-12 and higher education systems. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2958 Prime Sponsor, Representative O'Brien: Ordering a study of missing person reports. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 2960 Prime Sponsor, Representative Romero: Designating processes and siting of industrial land banks. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Edwards; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2968 Prime Sponsor, Representative Linville: Providing excise tax deductions for governmental payments to nonprofit organizations for salmon restoration. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2980 Prime Sponsor, Representative Kessler: Establishing the historic county courthouse grant program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; McCoy; Ormsby and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Kristiansen; Priest and Rodne.

Referred to Committee on Capital Budget.

February 4, 2004

HB 2984 Prime Sponsor, Representative Shabro: Requiring child fatality reviews for children involved in the child welfare system. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 3, 2004

HB 2985 Prime Sponsor, Representative Cody: Providing for individual health insurance for retired and disabled public employees. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2987 Prime Sponsor, Representative Roach: Offering motorcycle or motor-driven cycle insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 2988 Prime Sponsor, Representative Boldt: Protecting the rights of foster parents. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3001 Prime Sponsor, Representative Pettigrew: Authorizing kinship caregivers to consent to medical care. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3002 Prime Sponsor, Representative Cooper: Authorizing statewide regulation of outdoor burning.
Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3007 Prime Sponsor, Representative Cody: Allowing limited home care case management resources to be targeted to consumers in greatest need. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Benson; Clibborn; Darneille; Edwards; Moeller; Rodne and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander; Campbell and Skinner.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3015 Prime Sponsor, Representative Orcutt: Concerning timelines for forest riparian easements.
Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Capital Budget.

February 6, 2004

HB 3020 Prime Sponsor, Representative Cooper: Reducing the risk of oil spills and spill damage.
Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Referred to Committee on Appropriations.

February 6, 2004

HB 3026 Prime Sponsor, Representative O'Brien: Revising provisions relating to correctional industries. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

February 6, 2004

HB 3029 Prime Sponsor, Representative Fromhold: Authorizing the use of Mexican consular photo identification cards for identification purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Campbell; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3031 Prime Sponsor, Representative McDermott: Provide for certification of teachers of the deaf and hard of hearing. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3035 Prime Sponsor, Representative Darneille: Providing compensation and benefits to active duty military members. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 5, 2004

HB 3036 Prime Sponsor, Representative Hunter: Modifying unclaimed property laws for gift certificates. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3038 Prime Sponsor, Representative Nixon: Modifying the definition of "conviction" for the purpose of chapter 77.15 RCW. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Buck; O'Brien; Pearson and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Assistant Ranking Minority Member; Hatfield.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 3039 Prime Sponsor, Representative Delvin: Extending the period for evaluation for identification of long-term needs of children entering the foster care system. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt,

Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3042 Prime Sponsor, Representative Santos: Authorizing certain entities to participate in self-insurance risk pools. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3043 Prime Sponsor, Representative Tom: Promoting physical fitness in middle school. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3046 Prime Sponsor, Representative Carrell: Protecting public employee personal information. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3047 Prime Sponsor, Representative Conway: Requiring applicants for state purchased health care benefits or uncompensated hospital care to identify the employer of the proposed beneficiary of the benefits or care. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Campbell; Clibborn; Darneille; Edwards; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Alexander; Benson; Rodne and Skinner.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3055 Prime Sponsor, Representative Holmquist: Providing uniformity for admissibility of alcohol tests. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3057 Prime Sponsor, Representative Conway: Conforming the social security offset provisions of Title 51 RCW to the modified federal social security retirement age and continuing to allow the state to implement an offset otherwise imposed by the federal government. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3062 Prime Sponsor, Representative Newhouse: Concerning modifications to WRIA plans. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Grant; Hunt; McDermott and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Kristiansen; Orcutt and Sump.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3063 Prime Sponsor, Representative Morris: Requiring a six-year review of property tax exemptions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3065 Prime Sponsor, Representative Kagi: Revising partial confinement options for certain drug offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kagi and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson.

Referred to Committee on Appropriations.

February 6, 2004

HB 3066 Prime Sponsor, Representative Romero: Donating surplus construction property to nonprofit corporations. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3068 Prime Sponsor, Representative Clibborn: Requiring the department of community, trade, and economic development to study annexation progress in certain counties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern; Ericksen and Mielke.

Referred to Committee on Appropriations.

February 5, 2004

HB 3070 Prime Sponsor, Representative Veloria: Modifying the appointment process for the joint legislative oversight committee on trade policy. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3073 Prime Sponsor, Representative Quall: Regarding alignment of state and federal educational accountability systems. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Haigh; Hunter and Rockefeller.

MINORITY recommendation: Without recommendation. Signed by Representatives Cox; McMahan and Santos.

Referred to Committee on Appropriations.

February 4, 2004

HB 3078 Prime Sponsor, Representative Dickerson: Revising timelines for sealing juvenile records. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3081 Prime Sponsor, Representative Rockefeller: Revising provisions relating to medical and dental care and testing for children in the care of the department of social and health services. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3082 Prime Sponsor, Representative Wallace: Resolving manufactured/mobile home landlord and tenant disputes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; McDonald, Assistant Ranking Minority Member; Blake; Chase; McCoy; Ormsby; Pettigrew and Priest.

MINORITY recommendation: Do not pass. Signed by Representatives Skinner, Ranking Minority Member; Condotta; Kristiansen and Rodne.

Referred to Committee on Appropriations.

February 5, 2004

HB 3083 Prime Sponsor, Representative Kagi: Providing immunity for any person who cooperates with an investigation of child abuse or neglect. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3084 Prime Sponsor, Representative Darneille: Helping families suffering financial hardship due to national guard activation. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Referred to Committee on Appropriations.

February 4, 2004

HB 3085 Prime Sponsor, Representative Kagi: Encouraging the use of family decision meetings regarding children in the child welfare system. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Referred to Committee on Appropriations.

February 6, 2004

HB 3086 Prime Sponsor, Representative Blake: Creating a maritime office in the department of community, trade, and economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Blake; Chase; McCoy; Ormsby and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Condotta; Kristiansen; Priest and Rodne.

Referred to Committee on Appropriations.

February 4, 2004

HB 3090 Prime Sponsor, Representative Kagi: Revising the definition of out-of-home placement.
Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 4, 2004

HB 3092 Prime Sponsor, Representative Delvin: Providing time for signing denial of paternity.
Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Hinkle; Lovick and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3094 Prime Sponsor, Representative Ormsby: Studying the expansion of high school skills centers.
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3095 Prime Sponsor, Representative Ormsby: Modifying payment and performance bond requirements on state limited public works projects. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Hunt; McDermott and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Nixon and Tom.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3101 Prime Sponsor, Representative Darneille: Restricting the sale, foreclosure, or seizure of property belonging to a service member on deployment. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3102 Prime Sponsor, Representative Wood: Modifying the definition of "lodging business" for tourism promotion areas. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3103 Prime Sponsor, Representative Kenney: Revising provisions for higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt.

Referred to Committee on Appropriations.

February 6, 2004

HB 3106 Prime Sponsor, Representative Mastin: Concerning the division of existing surface or ground water rights. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller, Vice Chairman; Hunt.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3110 Prime Sponsor, Representative Cox: Providing for an emergency school repair and renovation account. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Capital Budget.

February 6, 2004

HB 3112 Prime Sponsor, Representative Cooper: Concerning marine fuel facilities. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Signed by Representatives Cooper, Chairman; Uptegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Referred to Committee on Transportation.

February 5, 2004

HB 3113 Prime Sponsor, Representative Cooper: Regarding requiring bargaining over past practices in ferry employee collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Referred to Committee on Transportation.

February 5, 2004

HB 3114 Prime Sponsor, Representative Sommers: Establishing the composition and jurisdiction of city and county disability boards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3117 Prime Sponsor, Representative Wallace: Increasing small business tax relief. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Voloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Referred to Committee on Finance.

February 6, 2004

HB 3118 Prime Sponsor, Representative McIntire: Requiring formal evaluation of the impact of fiscal changes on individuals and businesses. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3124 Prime Sponsor, Representative Miloscia: Allowing a general contractor/construction manager to perform more than thirty percent of a project when it involves tunneling. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3131 Prime Sponsor, Representative Tom: Providing for insured warranty standards for condominiums. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3136 Prime Sponsor, Representative D. Simpson: Providing for a study of school information available to immigrant families. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox and McMahan.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3141 Prime Sponsor, Representative Morris: Establishing a policy to mitigate carbon dioxide emissions. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Assistant Ranking Minority Member; Bush; Delvin; McMahan and McMorris.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3142 Prime Sponsor, Representative Sommers: Eliminating selected detail from the governor's budget submittal. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3143 Prime Sponsor, Representative Morris: Making findings on renewable energy and energy efficiency. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Blake; Hudgins; Kirby; Romero; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Bush; Delvin; McMahan; McMorris and Tom.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 3155 Prime Sponsor, Representative Morris: Regarding energy efficiency. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Blake; Hudgins; Kirby; Romero; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Bush; Delvin; McMahan; McMorris and Tom.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3160 Prime Sponsor, Representative Conway: Allowing unemployment benefits to workers in a labor dispute. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3172 Prime Sponsor, Representative Dunshee: Providing for payment agreements. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Flannigan; Hankins; Hinkle; Kirby; Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; G. Simpson; Veloria and Woods.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3183 Prime Sponsor, Representative Conway: Negotiating state patrol officer wages and wage-related matters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3186 Prime Sponsor, Representative Hudgins: Regulating contact centers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3187 Prime Sponsor, Representative Romero: Prohibiting work under state contracts from being performed at locations outside the United States. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2004

HB 3188 Prime Sponsor, Representative Conway: Concerning liability to the department of labor and industries for premiums, overpayments, and penalties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 4, 2004

HJM 4028 Prime Sponsor, Representative Schual-Berke: Requesting that funds be promptly disbursed to Holocaust survivors. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 5, 2004

HJM 4037 Prime Sponsor, Representative Conway: Requesting congress to enact the employee free choice act of 2003. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2004

HJM 4040 Prime Sponsor, Representative Pettigrew: Requesting congress to pass a federal 211 act. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2004

HJM 4041 Prime Sponsor, Representative Clements: Requesting relief for the Aganda family of Selah, Washington. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2004

HJM 4042 Prime Sponsor, Representative Linville: Requesting changes in the No Child Left Behind Act. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HJM 4043 Prime Sponsor, Representative Delvin: Requesting the privatization of the department of energy's fast flux test facility complex. Reported by Committee on Technology, Telecommunications & Energy

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

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins and Kirby.

Passed to Committee on Rules for second reading.

February 5, 2004

HJR 4216 Prime Sponsor, Representative Jarrett: Amending the Constitution to allow four year excess tax levies for metropolitan park districts and library districts. Reported by Committee on Local Government

MAJORITY recommendation: Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Clibborn; Edwards; Mielke; Moeller and Upthegrove.

Referred to Committee on Finance.

February 5, 2004

HCR 4415 Prime Sponsor, Representative Anderson: Establishing a committee to review basic education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 6, 2004

HCR 4416 Prime Sponsor, Representative Kenney: Commending the higher education coordinating board for its work in preparing the 2004 Interim Strategic Master Plan for Higher Education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 9, 2004, the 29th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

TWENTY SIXTH DAY, FEBRUARY 6, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 9, 2004

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

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

INTRODUCTION & FIRST READING

HB 3193 by Representatives Schoesler, Condotta and Roach

AN ACT Relating to establishing commercial and domestic pump installer licenses; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 3194 by Representatives Anderson and Rodne

AN ACT Relating to school district levy base calculations; and amending RCW 84.52.0531 and 28A.500.020.

Referred to Committee on Education.

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

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

There being no objection, the House adjourned until 1:30 p.m., February 10, 2004, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 10, 2004

The House was called to order at 1:30 p.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Pat Benson and Coral Backman. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Michael Fogaras, North Thurston Life Center of the Assemblies of God.

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

MESSAGES FROM THE SENATE

February 10, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5270,
SUBSTITUTE SENATE BILL NO. 5715,
SUBSTITUTE SENATE BILL NO. 5948,
SENATE BILL NO. 6165,
SENATE BILL NO. 6191,
SENATE BILL NO. 6378,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 10, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SUBSTITUTE SENATE BILL NO. 6261,
SENATE BILL NO. 6281,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

SSB 5139 by Senate Committee on Higher Education (originally sponsored by Senator Carlson)

AN ACT Relating to remedial postsecondary education; and creating new sections.

Referred to Committee on Higher Education.

ESSB 6125 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Morton)

AN ACT Relating to alternate members of a water conservancy board; and amending RCW 90.80.010, 90.80.035, 90.80.050, 90.80.070, and 90.80.120.

Referred to Committee on Agriculture & Natural Resources.

SSB 6261 by Senate Committee on Judiciary (originally sponsored by Senators B. Sheldon, Oke and T. Sheldon)

AN ACT Relating to payments to jurors; and amending RCW 2.36.150.

Referred to Committee on Judiciary.

SB 6281 by Senators Hale, T. Sheldon, B. Sheldon, Esser, Roach and Rasmussen; by request of Department of Trade and Economic Development

AN ACT Relating to the Hanford area economic investment fund; and amending RCW 43.31.422 and 43.31.428.

Referred to Committee on Technology, Telecommunications & Energy.

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

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

SECOND READING

HOUSE BILL NO. 2392, By Representatives Lantz, Darneille, Carrell, O'Brien, Romero, Lovick, Kenney, Flannigan, Upthegrove, Kagi, Hunt, Rockefeller, McCoy, Dickerson, Haigh, McMahan, Morrell, Bush, Clibborn, Delvin, Campbell, G. Simpson, Ruderman, Jarrett, Chase, Schual-Berke, Hudgins, Kessler, Woods, Moeller, Talcott and McDonald

Requiring law enforcement agencies to adopt policies concerning domestic violence by sworn employees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2392 was substituted for House Bill No. 2392 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2392 was read the second time.

Representative Carrell moved the adoption of amendment (779):

On page 2, line 5, after "reported." insert "The legislature also recognizes that there are instances where false allegations of domestic violence are made. Because false allegations significantly harm the innocent party's professional and personal reputation and relationships and undermine the system designed to protect victims, the legislature finds it necessary to deter false allegations of domestic violence."

On page 6, line 10, after "agency;" insert the following:
"(n) Provide procedures for the mandatory and immediate response to false allegations of domestic violence, including but not limited to, referring false allegations of domestic violence to the prosecutor's office for prosecution of false reporting or perjury, where applicable;"

Re-letter the remaining subsection accordingly

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Lovick spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of amendment (780):

On page 5, line 24, after "(j)" insert the following:

"Provide procedures to avoid possible conflicts of interests by ensuring that a sworn employee involved in allegations of domestic violence as either the alleged victim or alleged abuser, shall not exercise his or her police powers, including powers of arrest or investigation, in any criminal or administrative investigation of the allegations involving the sworn employee as either the alleged victim or alleged abuser;

(k)"

Re-letter the remaining subsections consecutively.

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

MOTION

On motion of Representative Clements, Representatives McMorris and Skinner were excused. On motion of Representative Santos, Representative Conway was excused.

The Speaker stated the question before the House to be adoption of amendment (780) to Substitute House Bill No. 2392.

ROLL CALL

The Clerk called the roll on the adoption of amendment (780) to Substitute House Bill No. 2392, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 54, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, Mielke, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump, Talcott, Tom and Woods - 41.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Excused: Representatives Conway, McMorris and Skinner - 3.

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

Representatives Lantz, Delvin, Hinkle and Dickerson spoke in favor of passage of the bill.

COLLOQUY

Representative Delvin: "Section 3(3)n states that one of the standards that the model policy must provide for is a procedure by which agencies can access and share domestic violence training within and across jurisdictions. Is this a mandate that requires all agencies to provide access to their domestic violence training programs?"

Representative Lantz: "No, this is not a mandate. The intent of the bill is to facilitate a way for jurisdictions to share training programs where opportunities present themselves. This is meant to

serve as a cost saving measure. Those agencies with the means to do so, may offer their training programs to other agencies."

Representative Delvin: "Does SHB 2392 affect Garrity v. New Jersey, a 1967 Supreme Court Case that provides immunity to police officers who are forced to give statements that could result in criminal charges against them?"

Representative Lantz: "No, it is not the intent of this legislation to affect Garrity v. New Jersey in any way."

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2392.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2392 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Conway, McMorris and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2392, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SUBSTITUTE HOUSE BILL NO. 2392.

STEVE CONWAY, 29th District

HOUSE BILL NO. 2397, By Representatives Upthegrove, Dickerson, Lantz, Clibborn, Delvin, Chase, Schual-Berke, Miloscia, Hudgins, Kessler and Morrell

Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2397 was substituted for House Bill No. 2397 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2397 was read the second time.

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

Representatives Upthegrove, Delvin, Carrell, Woods, Dickerson and Shabro spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2397.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2397 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Conway, McMorris and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2397, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SUBSTITUTE HOUSE BILL NO. 2397.

STEVE CONWAY, 29th District

HOUSE BILL NO. 2398, By Representatives Upthegrove, Delvin, Dickerson, Chase, Schual-Berke, Hudgins, Kessler and Morrell

Revising provisions relating to providing notice of a modification or termination of a protection order.

The bill was read the second time.

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

Representatives Upthegrove, Delvin and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2398.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2398 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Conway, McMorris and Skinner - 3.

HOUSE BILL NO. 2398, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on HOUSE BILL NO. 2398.

STEVE CONWAY, 29th District

HOUSE BILL NO. 2473, By Representatives Clibborn, Woods, Lantz, Jarrett, Darneille, Bailey, Hunt, Lovick, Shabro, Kenney, Chase, Tom and Schual-Berke

Restricting possession of weapons in courthouse buildings.

The bill was read the second time.

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

Representatives Clibborn and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2473.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2473 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Conway, McMorris, and Skinner - 3.

HOUSE BILL NO. 2473, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on HOUSE BILL NO. 2473.

STEVE CONWAY, 29th District

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1645, By Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, G. Simpson, McCoy, Cody, Ruderman,

Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille

Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

There being no objection, the rules were suspended and ENGROSSED HOUSE BILL NO. 1645 was returned to second reading for purpose of amendment.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1645, By Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, G. Simpson, McCoy, Cody, Ruderman, Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille

Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

Representative Kessler moved the adoption of the following amendment (783):

On page 6, beginning on line 1, strike all of section 5

Renumber the remaining sections consecutively and correct internal references accordingly.

Representative Kessler spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kessler and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed House Bill No. 1645.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1645 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Conway, McMorris and Skinner - 3.

SECOND ENGROSSED HOUSE BILL NO. 1645, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SECOND ENGROSSED HOUSE BILL NO. 1645.

STEVE CONWAY, 29th District

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

SECOND READING

HOUSE BILL NO. 1949, By Representatives Nixon and Wood

Providing financial assistance for victims of domestic violence seeking protection orders.

The bill was read the second time. There being no objection, Substitute House Bill No. 1949 was substituted for House Bill No. 1949 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1949 was read the second time.

Representative Carrell moved the adoption of amendment (788):

On page 1, line 15, after "protected." insert "The legislature also recognizes that there are instances where false allegations of abuse are made. Because false allegations significantly harm the innocent party's professional and personal reputation and relationships and undermine the system designed to protect victims, the legislature finds it necessary to deter false allegations, especially when raised for the purposes of receiving temporary financial assistance in protection order hearings."

On page 3, line 13, after "maintenance" insert ". If the court finds by a preponderance of the evidence that the petitioner intentionally made false allegations of domestic violence or has induced another person to make false allegations of domestic violence for the purpose of receiving temporary financial assistance under this section, the court may impose a monetary penalty not to exceed one thousand dollars against the person making or inducing another to make the false allegation. The monetary penalty shall be awarded to the person against whom the false allegation is made. The court may also order the person to pay reasonable attorneys' fees if the person entitled to the monetary penalty incurs attorneys' fees to defend the false allegations or to recover the monetary penalty imposed under this subsection. The award may be enforced in the same manner as other civil judgments. For the purposes of this subsection, "person" means any witness, party, or an attorney for any party. The remedy provided in this subsection is in addition to any other penalty provided in law""

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Nixon spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of amendment (789):

On page 3, line 6, after "family member" insert "and the petitioner and respondent are married to each other or were in a meretricious relationship with each other. To qualify as a meretricious relationship, the court must find that there is or was a stable, marital-like relationship where the parties could have otherwise been legally married to each other but cohabited with each other knowing that a lawful marriage between them did not exist. When determining whether a meretricious relationship existed, the court shall consider, at a minimum, all of the following factors: (i) Whether the cohabitation was continuous and uninterrupted for at least one year prior to the filing of the petition; (ii) the purpose of the relationship and whether the petitioner and respondent held"

themselves out to be in a marital-like relationship; and (iii) whether the petitioner and respondent pooled resources and shared assets for the benefit of their relationship"

Representative Carrell spoke in favor of the adoption of the amendment.

Representatives Upthegrove and Lovick spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Delvin moved the adoption of amendment (791):

On page 3, line 7, after "days." insert "Before relief may be granted under this subsection (1)(l), the petitioner shall disclose to the court any other actions pending between the parties and any existing or pending orders for support or maintenance."

Representatives Delvin and Dickerson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Nixon, Wood, Carrell, Darneille, Woods, Delvin, Dickerson and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1949.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1949 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949.

STEVE CONWAY, 29th District

The Speaker called upon Representative Santos to preside.

MESSAGES FROM THE SENATE

February 10, 2004

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5373,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5728,
SECOND ENGROSSED SENATE BILL NO. 5965,
SENATE BILL NO. 6123,
SUBSTITUTE SENATE BILL NO. 6146,
SUBSTITUTE SENATE BILL NO. 6155,
SENATE BILL NO. 6185,
SENATE BILL NO. 6202,
SENATE BILL NO. 6407,
SENATE BILL NO. 6488,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 10, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5055,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5697,
ENGROSSED SENATE BILL NO. 6126,
SENATE JOINT RESOLUTION NO. 8208,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 10, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546,

and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

REPORTS OF STANDING COMMITTEES

February 9, 2004

HB 1681 Prime Sponsor, Representative G. Simpson: Allowing alternative means of renewing driver's licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Kristiansen; Mielke; Nixon; Rodne and Shabro.

Passed to Committee on Rules for second reading.

February 9, 2004

2SHB 1796 Prime Sponsor, Committee On Appropriations: Funding driver's education for low-income students. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 1828 Prime Sponsor, Representative Schual-Berke: Requiring that insurance coverage for mental health services be at parity with medical and surgical services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Financial Institutions & Insurance. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 1976 Prime Sponsor, Representative Conway: Providing a property tax exemption to widows or widowers of honorably discharged veterans. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 1982 Prime Sponsor, Representative Kenney: Revising standards for disclosure of information concerning sex offenders and kidnapping offenders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2131 Prime Sponsor, Representative Grant: Concerning retail sales by the liquor control board. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2167 Prime Sponsor, Representative G. Simpson: Issuing special Washington heritage license plates. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; G. Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Armstrong; Bailey; Kristiansen; Mielke; Nixon; Rodne; Shabro and Woods.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2295 Prime Sponsor, Representative Quall: Authorizing charter schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Grant; Hunter; Kessler; Linville; McIntire; Miloscia; Ruderman and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Fromhold, Vice Chairman; Pearson, Assistant Ranking Minority Member; Cody; Conway; Cox; Dunshee; Kagi; Kenney; Schual-Berke and Sump.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2313 Prime Sponsor, Representative Carrell: Regulating bail bond recovery agents. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2320 Prime Sponsor, Representative Linville: Creating a wetland mitigation program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson; Chandler; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2322 Prime Sponsor, Representative McDonald: Requiring prehire screening for law enforcement applicants. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on . Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2326 Prime Sponsor, Representative Campbell: Streamlining the health care disciplinary process. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Schual-Berke and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2333 Prime Sponsor, Representative Hudgins: Concerning energy efficiency and renewable energy standards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Technology, Telecommunications & Energy. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; Kessler; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2347 Prime Sponsor, Representative McDonald: Authorizing additional sales tax authority for public facilities districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Trade & Economic Development. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Ahern; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2363 Prime Sponsor, Representative Kagi: Eliminating the supervision of certain probationers by the department of corrections. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Alexander; Anderson and Boldt.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2396 Prime Sponsor, Representative Linville: Concerning instream flows. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2406 Prime Sponsor, Representative McCoy: Requiring tribal history and culture curriculum. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2431 Prime Sponsor, Representative Upthegrove: Establishing a Dungeness crab endorsement. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Fisheries, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2456 Prime Sponsor, Representative McDonald: Establishing provisions for disclosure of sexual misconduct by applicants for school district employment. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2458 Prime Sponsor, Representative Hatfield: Extending the motor vehicle width limit for recreational vehicle appurtenances. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Nixon; Rodne; Romero; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson and Morris.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2469 Prime Sponsor, Representative G. Simpson: Authorizing certain state agencies to purchase prescription drugs from Canadian wholesalers and pharmacies. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Buck; Clements; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Chandler; Cox; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2478 Prime Sponsor, Representative Cooper: Concerning underground petroleum storage tanks. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Financial Institutions & Insurance. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2481 Prime Sponsor, Representative Dickerson: Increasing marriage license fees to fund domestic violence programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Juvenile Justice & Family Law. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Clements;

Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Schual-Berke and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Cox; McDonald and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2488 Prime Sponsor, Representative Cooper: Requiring electronic product management. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Fisheries, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Buck; Chandler; Clements and Cox.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2498 Prime Sponsor, Representative Boldt: Revising funding constraints affecting the Washington WorkFirst program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2518 Prime Sponsor, Representative Kirby: Exempting from the state public utility tax the sales of electricity to an electrolytic processing business. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2537 Prime Sponsor, Representative Alexander: Establishing a public safety employees' retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2564 Prime Sponsor, Representative McCoy: Authorizing a pilot program for the settlement of water rights. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2596 Prime Sponsor, Representative Dickerson: Providing for early intervention services for children with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2612 Prime Sponsor, Representative Grant: Modifying provisions concerning the Hanford area economic investment fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Technology, Telecommunications & Energy. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2621 Prime Sponsor, Representative Blake: Providing for a razor clam license. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Fisheries, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2626 Prime Sponsor, Representative Hatfield: Allowing the department of fish and wildlife to allocate certain forfeited moneys for coastal groundfish management and research. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin,

Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2661 Prime Sponsor, Representative G. Simpson: Creating a web site for information on fugitives. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2675 Prime Sponsor, Representative McMorris: Modifying electric utility tax credit provisions. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Technology, Telecommunications & Energy. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2676 Prime Sponsor, Representative Kenney: Providing for training teachers for the deaf. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Chandler.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2689 Prime Sponsor, Representative Eickmeyer: Extending tax incentives in rural counties expiring in 2003 or 2004. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2690 Prime Sponsor, Representative Eickmeyer: Modifying provisions concerning marina lease rates. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2704 Prime Sponsor, Representative Talcott: Providing standards for alternative learning experience programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2708 Prime Sponsor, Representative Ormsby: Creating conditional scholarships for prospective teachers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Higher Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2711 Prime Sponsor, Representative Kenney: Funding a central resource center for the nursing work force. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2714 Prime Sponsor, Representative Edwards: Increasing safety for senior drivers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hudgins; Lovick; Mielke; Morris; Romero; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Ranking Minority Member; Armstrong; Bailey; Campbell; Hatfield; Kristiansen; Nixon; Rodne and Shabro.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2732 Prime Sponsor, Representative Tom: Establishing tax deferrals for wood biomass fuel investment projects. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Technology, Telecommunications & Energy. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2744 Prime Sponsor, Representative Miloscia: Implementing the Help America Vote Act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on State Government. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2769 Prime Sponsor, Representative Pettigrew: Reducing hunger. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2776 Prime Sponsor, Representative Cody: Concerning problem gambling. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Boldt; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2783 Prime Sponsor, Representative Pettigrew: Providing a property tax exemption for nonprofits that assist small businesses. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Trade & Economic Development. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2784 Prime Sponsor, Representative Pettigrew: Creating the small business incubator program.
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Trade & Economic Development. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2786 Prime Sponsor, Representative Cody: Improving patient safety practices. Reported by
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2794 Prime Sponsor, Representative Condotta: Allowing licensees to pay for liquor using debit and credit cards. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2805 Prime Sponsor, Representative Romero: Creating a blue ribbon commission on land use and local government finance. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2809 Prime Sponsor, Representative Conway: Creating the business and professions account.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2818 Prime Sponsor, Representative Kagi: Creating the homeless families services fund. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Chandler.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2823 Prime Sponsor, Representative Sullivan: Providing incentives to reduce air pollution and improve energy security through the use of alternative fuel vehicles. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Telecommunications & Energy. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2830 Prime Sponsor, Representative Hudgins: Authorizing a fee for the review of driving records. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 6, 2004

HB 2834 Prime Sponsor, Representative Schual-Berke: Improving the discipline of health professions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Pearson, Assistant Ranking Minority Member; Anderson; Boldt; Cody; Conway; Dunshee; Grant;

Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Buck; Chandler; Clements and Cox.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2839 Prime Sponsor, Representative Schual-Berke: Creating a task force to study alternatives for resolving disputes related to injuries resulting from health care. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Pearson, Assistant Ranking Minority Member; Anderson; Boldt; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Buck; Chandler; Clements and Cox.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2843 Prime Sponsor, Representative Sommers: Creating the Cascadia State University at Bothell. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Boldt; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Buck and Chandler.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2892 Prime Sponsor, Representative Upthegrove: Creating a center for advanced manufacturing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Anderson; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Chandler; Clements; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2919 Prime Sponsor, Representative Condotta: Adjusting ORV fees. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Fisheries, Ecology & Parks. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman;

Alexander, Ranking Minority Member; Armstrong; Benson; Blake; Bush; Chase; Eickmeyer; Hankins; Hinkle; Kirby; Lantz; Morrell; Murray; Newhouse; O'Brien; G. Simpson; Veloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Schoesler.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2920 Prime Sponsor, Representative Pearson: Allowing the creation of special economic fishery advisory committees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Fisheries, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Clements.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2923 Prime Sponsor, Representative Ericksen: Authorizing magnetic levitation transportation systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2929 Prime Sponsor, Representative Schoesler: Suspending business and occupation taxation on certain businesses impacted by the ban on American beef products. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2931 Prime Sponsor, Representative Campbell: Using the health professions account for professional education and recruitment and retention. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 2955 Prime Sponsor, Representative Hunter: Creating a joint task force on K-12 finance. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Clements.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 2969 Prime Sponsor, Representative O'Brien: Expanding the convicted offender DNA data base. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; Miloscia; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 3020 Prime Sponsor, Representative Cooper: Reducing the risk of oil spills and spill damage. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Fisheries, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3026 Prime Sponsor, Representative O'Brien: Revising provisions relating to correctional industries. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 3049 Prime Sponsor, Representative Romero: Regulating motorized foot scooters. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hudgins; Lovick; Morris; Romero; G. Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Hatfield; Kristiansen; Mielke; Nixon; Rodne; Shabro and Woods.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 3054 Prime Sponsor, Representative G. Simpson: Restoring the vehicle tire fee. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Armstrong; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Kristiansen and Mielke.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3065 Prime Sponsor, Representative Kagi: Revising partial confinement options for certain drug offenders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 3067 Prime Sponsor, Representative Romero: Prohibiting gasoline powered motorized foot scooters from public ways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hudgins; Lovick; Morris; Romero; G. Simpson; Sullivan; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Hatfield; Kristiansen; Mielke; Nixon; Rodne; Shabro and Woods.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3068 Prime Sponsor, Representative Clibborn: Requiring the department of community, trade, and economic development to study annexation progress in certain counties. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Chandler; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3080 Prime Sponsor, Representative Linville: Focusing the state budgeting process on outcomes and priorities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3082 Prime Sponsor, Representative Wallace: Resolving manufactured/mobile home landlord and tenant disputes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Trade & Economic Development. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 3084 Prime Sponsor, Representative Darneille: Helping families suffering financial hardship due to national guard activation. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3085 Prime Sponsor, Representative Kagi: Encouraging the use of family decision meetings regarding children in the child welfare system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on . Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck;

Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3103 Prime Sponsor, Representative Kenney: Revising provisions for higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Higher Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 3112 Prime Sponsor, Representative Cooper: Concerning marine fuel facilities. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 9, 2004

HB 3113 Prime Sponsor, Representative Cooper: Regarding requiring bargaining over past practices in ferry employee collective bargaining. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; G. Simpson; Sullivan; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Kristiansen; Mielke; Nixon; Rodne and Shabro.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3116 Prime Sponsor, Representative Murray: Modifying tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3117 Prime Sponsor, Representative Wallace: Increasing small business tax relief. Reported by Committee on Finance

MAJORITY recommendation: Do pass without the amendments by the Committee on .
Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking
Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris;
Roach and Santos.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3133 Prime Sponsor, Representative Fromhold: Modifying promoters requirements for vendor tax
registration. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3158 Prime Sponsor, Representative McIntire: Exempting from sales and use tax computer
equipment used primarily in printing or publishing. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill
do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes,
Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway;
Morris; Roach and Santos.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3163 Prime Sponsor, Representative McIntire: Improving the real estate excise tax reporting and
collection process on the transfer of water rights. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill
do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway;
Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking
Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

February 10, 2004

HB 3175 Prime Sponsor, Representative Grant: Providing financial assistance to counties. Reported by
Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill
do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody;
Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia;
Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking
Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson;
Boldt; Buck; Chandler; Clements and McDonald.

Passed to Committee on Rules for second reading.

February 9, 2004

HJM 4039 Prime Sponsor, Representative Ericksen: Requesting Congress to consider Washington for
magnetic levitation transportation funding. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman;
Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking

Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Sullivan; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 10, 2004

HJR 4216 Prime Sponsor, Representative Jarrett: Amending the Constitution to allow four year excess tax levies for metropolitan park districts and library districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern and Roach.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 11, 2004, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

THIRTIETH DAY, FEBRUARY 10, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 11, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Samantha Kodama and Tyler Glover. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Archbishop Alex Brunett, Archdiocese of Seattle.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4689, By Representative Wood

WHEREAS, Miss Washington 2003, Fianna Dickson, is on a statewide speaking tour on behalf of safe driving, and in this role is raising awareness of automobile collisions being the number one cause of death among young people; and

WHEREAS, Ms. Dickson envisions the revitalization of traffic safety education, both in Washington and across the country, as the primary solution to reducing automobile fatalities and injuries for young people and all those who drive our nation's roads; and

WHEREAS, Ms. Dickson worked toward passing Graduated Driver Licensing laws in the State of Washington, which have been shown to reduce the overwhelming number of collisions involving young drivers; and

WHEREAS, Ms. Dickson is a 2001 graduate of Gonzaga University, and a 2003 graduate of Eastern Washington University, where she authored her Master's thesis on the language of instruction for traffic safety education; and

WHEREAS, Ms. Dickson has twice won the Miss America Community Service scholarship award for her dedication to traffic safety; and

WHEREAS, As Miss Washington 2003, Ms. Dickson represents the Miss Washington Scholarship Organization, a nonprofit based in Tacoma, which provides over \$100,000 annually in scholarships to young women who participate in the program;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives does hereby recognize Ms. Dickson for her commitment and work, as Miss Washington 2003, in educating young people about the importance of traffic safety; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ms. Fianna Dickson.

HOUSE RESOLUTION NO. 4689 was adopted.

HOUSE RESOLUTION NO. 2004-4690, By Representative Lantz

WHEREAS, There are more than 300 museums in Washington State; and

WHEREAS, These museums preserve artistic, historical, and scientific resources for us and future generations, provide access to a diverse and rich cultural heritage, and prompt us to expand our understanding of the world; and

WHEREAS, These museums were created and continue to be nurtured by their communities; and

WHEREAS, These museums contribute to the quality of life in their communities by connecting generations and bringing people together through shared cultural experiences, introducing new ideas, providing educational resources, contributing to the local economy, and offering entertainment for residents and visitors;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize February 11, 2004, as Museum Day in recognition of the important role museums play in the cultural life of their communities and our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the President of the Washington Museum Association.

HOUSE RESOLUTION NO. 4690 was adopted.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1569, By House Committee on State Government
(originally sponsored by Representatives Armstrong, Haigh, Nixon, Miloscia, Tom, McDermott, Shabro and Benson)

Excluding certain information supplied by a bidder on a public bid from public disclosure.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1569 was returned to second reading for purpose of amendment.

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

SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1569, By House Committee on State Government
(originally sponsored by Representatives Armstrong, Haigh, Nixon, Miloscia, Tom, McDermott,
Shabro and Benson)**

Excluding certain information supplied by a bidder on a public bid from public disclosure.

Representative Haigh moved the adoption of the following amendment (774):

Beginning on page 1, line 15, strike all of section 2 and insert the following:

"**Sec. 2.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as follows:

- (1) The following are exempt from public inspection and copying:
 - (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
 - (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
 - (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
 - (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
 - (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
 - (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
 - (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
 - (h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
 - (i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.
 - (j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.
 - (k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.
 - (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch

data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Proprietary information deemed confidential for the purposes of section 923, chapter 26, Laws of 2003 1st sp. sess.

(hhh) Trade secrets, as defined in RCW 19.108.010, or other proprietary information submitted by a bidder, offeror, or contractor in connection with a public works project as defined in chapter 39.04 RCW if the bidder, offeror, or contractor specifically states in writing the reasons why protection is necessary, and identifies the data or materials to be protected.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 3. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Trade secrets, as defined in RCW 19.108.010, or other proprietary information submitted by a bidder, offeror, or contractor in connection with a public works project as defined in chapter 39.04 RCW if the bidder, offeror, or contractor specifically states in writing the reasons why protection is necessary, and identifies the data or materials to be protected.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental

interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. **Sec. 4.** Section 2 of this act expires June 30, 2005.

NEW SECTION. **Sec. 5.** Section 3 of this act takes effect June 30, 2005."

Correct the title.

Representative Haigh moved the adoption of the following amendment (775) to amendment (774):

On page 10, beginning on line 26 of the amendment, strike all of subsection (hhh) and insert the following:

"(hhh) Trade secrets, as defined in RCW 19.108.010, or financial or commercial information not directly related to a bid or offer submitted by a bidder, offeror, or contractor in connection with a public works project, as defined in RCW 39.04.010, if the bidder, offeror, or contractor specifically states in writing the reasons why protection is necessary and identifies the data or materials to be protected. The public entity requesting the bid shall make a final written determination on what data or materials are confidential."

On page 20, beginning on line 28 of the amendment, strike all of subsection (ggg) and insert the following:

"(ggg) Trade secrets, as defined in RCW 19.108.010, or financial or commercial information not directly related to a bid or offer submitted by a bidder, offeror, or contractor in connection with a public works project, as defined in RCW 39.04.010, if the bidder, offeror, or contractor specifically states in writing the reasons why protection is necessary and identifies the data or materials to be protected. The public entity requesting the bid shall make a final written determination on what data or materials are confidential."

Representatives Haigh and Armstrong spoke in favor of adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment as amended was adopted. The bill was ordered engrossed.

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

Representatives Armstrong and Haigh spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Clements, Representatives Alexander, Campbell, McMorris, Skinner and Tom were excused. On motion of Representative Santos, Representatives Edwards, Eickmeyer, Hunter, Kirby, Quall and Upthegrove were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1569.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1569 and the bill passed the House by the following vote: Yeas - 86, Nays - 1, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Erickson, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Veloria, Wallace, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representative Conway - 1.

Excused: Representatives Alexander, Campbell, Edwards, Eickmeyer, Hunter, Kirby, McMorris, Quall, Skinner, Tom and Upthegrove - 11.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1677, By Representatives Shabro, Newhouse, Bailey, Roach, Bush, Boldt, Chandler, Linville, Quall and McDermott

Authorizing a county to exempt certain property used in agriculture from taxation.

There being no objection, the rules were suspended and HOUSE BILL NO. 1677 was returned to second reading for purpose of amendment.

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

SECOND READING

HOUSE BILL NO. 1677, By Representatives Shabro, Newhouse, Bailey, Roach, Bush, Boldt, Chandler, Linville, Quall and McDermott

Authorizing a county to exempt certain property used in agriculture from taxation.

With the consent of the House, amendments (766) and (771) were withdrawn.

Representative Shabro moved the adoption of the following amendment (782):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the state's highly productive and efficient agriculture sector is composed predominately of family owned and managed farms; the number of family farms and the total amount of land used for agricultural purposes is decreasing; the environment is positively impacted when land is used for agricultural purposes; agricultural land and farms use a proportionally lower amount of a county's services that residential land or other businesses; and that the positive environmental impacts of agriculture are particularly important in urban areas.

Sec. 2. RCW 84.36.630 and 2003 c 302 s 7 are each amended to read as follows:

(1) All machinery and equipment owned by a farmer that is personal property is exempt from property taxes levied for any state purpose if it is used exclusively in growing and producing agricultural products during the calendar year for which the claim for exemption is made.

(2) In a county that does not satisfy the definition of a "rural county" under RCW 82.14.370, all machinery and equipment owned by a farmer that is personal property is exempt from property taxes levied for

any county purpose, if it is used exclusively in growing and producing agricultural products during the calendar year in which the claim for exemption is made. The property that may be exempted under this subsection (2) must be the same property exempted under subsection (1) of this section.

(3) "Farmer" has the same meaning as defined in RCW 82.04.213.

~~((3))~~ (4) A claim for the exemptions under subsections (1) and (2) of this section shall be filed with the county assessor together with the statement required under RCW 84.40.190, for exemption from taxes payable the following year. The claim shall be made solely upon forms as prescribed and furnished by the department of revenue."

Representatives Shabro and McIntire spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Shabro, Newhouse and Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1677.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1677 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Excused: Representatives Alexander, Edwards, Eickmeyer, Quall, Skinner and Upthegrove - 6.

ENGROSSED HOUSE BILL NO. 1677, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1879, By House Committee on Finance (originally sponsored by Representatives Gombosky and Cairnes)

Simplifying the concurrent taxing jurisdictions of the tribal municipalities and the state.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1879 was returned to second reading for purpose of amendment.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1879, By House Committee on Finance (originally sponsored by Representatives Gombosky and Cairnes)

Simplifying the concurrent taxing jurisdictions of the tribal municipalities and the state.

Representative McIntire moved the adoption of the following amendment (769):

On page 2, line 30, strike "2004" and insert "2005"

Beginning on page 4, line 25, strike all of section 5 and insert the following:

"**Sec. 5.** RCW 82.14.050 and 2003 c 168 s 201 and 2003 c 83 s 208 are each reenacted and amended to read as follows:

(1) The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, and regional transportation investment districts shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department.

(2) The remainder of any portion of any tax authorized by this chapter that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, and regional transportation investment districts imposing a sales and use tax.

(3) All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Counties, cities, transportation authorities, public facilities districts, and regional transportation investment districts may not conduct independent sales or use tax audits of sellers registered under the streamlined sales tax agreement.

(4) Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, and regional transportation investment districts monthly.

(5) As used in this section, in addition to the meaning given in RCW 82.14.020, "city" has the meaning given in section 2 of this act."

On page 5, after line 32, insert the following:

"NEW SECTION. **Sec. 7.** This act takes effect July 1, 2004."

Correct the title.

Representative McIntire spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives McCoy, Cairnes, Dunshee, McIntire, Cairnes (again) and McCoy (again) spoke in favor of passage of the bill.

Representatives Pearson and Schoesler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1879.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1879 and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Blake, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Armstrong, Bailey, Benson, Boldt, Buck, Chandler, Clements, Condotta, Cox, Crouse, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Pearson, Schindler, Schoesler, Sehlín, and Sump - 27.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 3195 by Representatives Lovick, Delvin and O'Brien

AN ACT Relating to civil immunity of radio and television broadcasting organizations participating in the Amber alert system; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

ESSB 5055 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Fairley and Esser)

AN ACT Relating to costs of incarceration; and amending RCW 9.94A.760 and 10.01.160.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5270 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Kohl-Welles and Winsley)

AN ACT Relating to law enforcement mobilization; adding new sections to chapter 36.28A RCW; and creating a new section.

Referred to Committee on State Government.

SB 5373 by Senators Roach, Fairley, Horn, Stevens and Winsley; by request of Secretary of State

AN ACT Relating to actions on the validity of ballot measures; and adding a new section to chapter 4.24 RCW.

Referred to Committee on State Government.

ESSB 5697 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, T. Sheldon, Hale, Mulliken, Rasmussen, Parlette, Swecker, Oke, Deccio, Sheahan, Stevens, Honeyford and Morton)

AN ACT Relating to modifying the inflationary adjustment to the minimum wage; amending RCW 49.46.010, 49.46.010, and 49.46.020; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 5715 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Winsley and Oke)

AN ACT Relating to the financial fraud alert act; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 30 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5728 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, McCaslin, T. Sheldon, Deccio, Schmidt, Parlette and Hale)

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 4.56.115, 4.56.110, 4.56.250, 4.16.350, 7.70.080, 7.70.060, 46.61.688, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; adding a new section to chapter 4.24 RCW; adding new sections to chapter 4.56 RCW; adding a new section to chapter 4.28 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 4.16 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 4.92 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 26.44 RCW; and creating new sections.

Referred to Committee on Judiciary.

SSB 5948 by Senate Committee on Technology & Communications (originally sponsored by Senators Honeyford, B. Sheldon and Johnson)

AN ACT Relating to bundled telecommunications services; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

2ESB 5965 by Senator McCaslin

AN ACT Relating to public facilities district boards of directors in counties in which the largest city has at least forty percent of the population and the second largest city has at least fifteen percent of the population; amending RCW 36.100.020; and providing an effective date.

Referred to Committee on Trade & Economic Development.

SB 6123 by Senators Carlson, Keiser, Winsley and Spanel; by request of State Board of Accountancy

AN ACT Relating to modifying the public accountancy act but only with respect to: Expanding board member term limits, extending the experience look-back period for certificate holders, allowing out-of-state CPAs to qualify for a license with three years of public practice experience during the immediate past five years, expanding sanctioning authority over imposters and exam cheaters, and establishing a penalty for imposters whose license or certificate has been suspended or revoked; amending RCW 18.04.035, 18.04.105, 18.04.180, and 18.04.295; reenacting and amending RCW 18.04.370; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

ESB 6126 by Senators Swecker, Rasmussen, Berkey, Mulliken, Winsley and McAuliffe; by request of Department of Agriculture

AN ACT Relating to the Washington apple commission; amending RCW 15.24.020, 15.24.030, 15.24.040, 15.24.050, 15.24.070, 15.24.090, 15.24.100, 15.24.110, 15.24.160, and 15.24.190; adding new sections to chapter 15.24 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SSB 6146 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Fraser, Morton, Esser, Eide, Winsley, Kohl-Welles, Keiser and Kline)

AN ACT Relating to encouraging renewable energy and energy efficiency businesses in Washington; amending RCW 28B.20.285 and 28B.20.287; and adding new sections to chapter 28B.20 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6155 by Senate Committee on Agriculture (originally sponsored by Senators Parlette, Hewitt and Mulliken)

AN ACT Relating to the prevention of horticultural pests and diseases; and amending RCW 70.94.745.

Referred to Committee on Fisheries, Ecology & Parks.

SB 6165 by Senators Benton, Carlson, Kohl-Welles, Roach, Rasmussen and Parlette

AN ACT Relating to allowing the higher education coordinating board to establish rules for promise scholarship awards to individuals with special needs; amending RCW 28B.119.010; and providing an effective date.

Referred to Committee on Higher Education.

SB 6185 by Senators Horn and Haugen

AN ACT Relating to the disposition of title fees; amending RCW 46.12.040, 46.12.101, and 46.68.020; and providing an effective date.

Referred to Committee on Transportation.

SB 6191 by Senators Roach, Kastama, Regala and Winsley; by request of Washington State Patrol

AN ACT Relating to background checks on gubernatorial appointees; and adding a new section to chapter 43.06 RCW.

Referred to Committee on State Government.

SB 6202 by Senators Honeyford and Prentice

AN ACT Relating to excluding liquefiable gases from the petroleum products tax; and amending RCW 82.23A.010.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6378 by Senators Esser, Haugen, McCaslin, Prentice, Hale, B. Sheldon and Keiser

AN ACT Relating to prohibiting unauthorized operation of a recording device in a motion picture exhibition facility; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SB 6407 by Senators Shin, McAuliffe, Kohl-Welles and Carlson; by request of State Board of Education

AN ACT Relating to school district superintendent credential preparation programs; and amending RCW 28B.10.140.

Referred to Committee on Higher Education.

SB 6488 by Senators Mulliken and Parlette

AN ACT Relating to a study of the designation of agricultural lands; and creating a new section.

Referred to Committee on Local Government.

SJR 8208 by Senator Morton

Amending the Constitution to allow multiyear excess property tax levies for cemetery districts.

Referred to Committee on Finance.

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

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

SECOND READING SUSPENSION

HOUSE BILL NO. 1594, By Senators Berkey, Haigh, Dunshee, Romero, Mielke, Benson, Ahern, Moeller, Wood, Alexander, Hinkle and Sullivan

Clarifying the role of a chief financial officer in a charter county.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1594 was read the second time.

The bill was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1594.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1594 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1594, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2100, By Representatives Romero, Veloria and Wallace; by request of Washington State Patrol

Adding an ex officio member to the building code council.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2100.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2100 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2100, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2301, By Representatives Linville and Schoesler; by request of Department of Agriculture

Including severability clauses in commodity commission statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2301.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2301 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2301, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2332, By Representatives Sullivan, Upthegrove, Fromhold and Hudgins

Creating the investing in innovation account.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2332.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2332 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative DeBolt - 1.
Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2332, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2345, By Representatives Sommers, Alexander, Romero, Hunt, Kenney, Sullivan and Moeller; by request of Department of General Administration

Establishing a commemorative works account for the department of general administration.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2345.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2345 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2345, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2366, By Representatives Linville, Schoesler, Campbell, McDonald, Delvin, Conway, Sullivan, Hankins, Moeller, McDermott, Kenney, Morrell and Hudgins; by request of Department of Agriculture

Promoting Washington state agriculture.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2366 was read the second time.

The bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2366.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2366 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2366, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2414, By Representatives Kenney, Campbell, Morrell, Hankins, Cody, Clibborn, Edwards, Armstrong, Ormsby, Conway, Dickerson and Moeller

Refining membership of the nursing care quality assurance commission.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2414 was read the second time.

The bill was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2414.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2414 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2414, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2418, By Representatives Cooper, Delvin, G. Simpson, Hinkle, Chase and Morrell

Providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Cooper and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2418.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2418 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2419, By Representatives G. Simpson, Delvin, Cooper, Hinkle, Chase, Morrell and Conway

Calculating the retirement allowance of a member of the law enforcement officers' and fire fighters' retirement system plan 2 who is killed in the course of employment.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson, Delvin and Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2419.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2419 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2419, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2420, By Representatives Hunter, Armstrong, Nixon, Tom, Hunt, Jarrett, Haigh, Ruderman, Clibborn, Upthegrove and Moeller

Revising provisions for counting votes on ballots for write-in candidates.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunter and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2420.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2420 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2420, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2438, By Representatives Buck, Kessler, Schoesler, Haigh, Eickmeyer, Hatfield and Blake

Revising provision for elections for changing a municipal plan of government.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Buck and Romero spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2438.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2438 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2438, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2450, By Representatives Haigh, Lantz, Romero, Armstrong, Bush, Moeller, Rockefeller and Hankins; by request of Washington State Patrol

Authorizing background checks on gubernatorial appointees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2450.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2450 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller,

Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2450, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2454, By Representatives Buck, Eickmeyer, Armstrong and Bush

Allowing DNR to accept voluntary contributions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Buck and Eickmeyer spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2454.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2454 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2454, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2484, By Representatives Conway, McMorris and Wood; by request of State Board of Accountancy

Modifying the public accountancy act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2484.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2484 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2484, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2490, By Representatives Haigh and Armstrong

Providing for representation on governing body for public hospital district that joins with another entity.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2490.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2490 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2490, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2505, By Representatives Schual-Berke, Nixon and Chase; by request of Washington Council for Prevention of Child Abuse and Neglect

Revising the fee for birth certificates suitable for display.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schual-Berke and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2505.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2505 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2505, having received the necessary constitutional majority, was declared passed.

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

There being no objection, HOUSE BILL NO. 2556 was removed from the Second Reading Suspension Calendar and placed on the regular Second reading calendar.

HOUSE BILL NO. 2509, By Representatives McCoy, Condotta, Conway, McMorris, Moeller and Chase; by request of Employment Security Department

Correcting certain references dealing with unemployment compensation.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives McCoy and Condotta spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Clements, Representative Sehlín was excused. On motion of Representative Santos, Representative Flannigan was excused.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2509.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2509 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlín and Skinner - 4.

HOUSE BILL NO. 2509, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2534, By Representatives Fromhold, Alexander, Conway, Rockefeller, G. Simpson, Chase and Morrell; by request of Select Committee on Pension Policy

Providing death benefits for members of the Washington state patrol retirement system plan 2.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fromhold and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2534.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2534 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlín and Skinner - 4.

HOUSE BILL NO. 2534, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2535, By Representatives Alexander, Fromhold, Conway, Rockefeller, G. Simpson, Kessler, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Alexander and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2535.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2535 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

HOUSE BILL NO. 2535, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2536, By Representatives Alexander, Fromhold, Conway, Rockefeller, G. Simpson, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

Permitting members of the public employees' retirement system plan 2 and plan 3 and the school employees' retirement system plan 2 and plan 3 to buy down the early retirement reduction amounts.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Alexander and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2536.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2536 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

HOUSE BILL NO. 2536, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2542, By Representatives Fromhold, Alexander, Conway, G. Simpson, Moeller and Chase; by request of Select Committee on Pension Policy

Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fromhold and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2542.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2542 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

HOUSE BILL NO. 2542, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2575, By Representatives Cairnes, Cody, Conway, Wood and Kenney; by request of Horse Racing Commission

Relating to provisions of the Washington horse racing commission's authority.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2575 was read the second time.

The bill was placed on final passage.

Representatives Cairnes and Cody spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2575.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2575 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 2575, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2583, By Representatives Lovick and Delvin; by request of Administrative Office of the Courts

Authorizing issuance of infractions and citations by electronic device.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lovick and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2583.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2583 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

HOUSE BILL NO. 2583, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2585, By Representatives Cody, Bailey and Schual-Berke

Prohibiting civil or criminal liabilities or penalties for actions related to the Washington state health insurance pool.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2585 was read the second time.

The bill was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2585.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2585 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 2585, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2601, By Representatives Lovick, Carrell, Flannigan, Newhouse, Lantz, Ahern, Morrell, O'Brien, Kirby, Cooper, Moeller, McMahan, Haigh, Campbell, Rockefeller, Conway and Wood

Prohibiting the unlawful discharge of reserve officers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2601.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2601 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

HOUSE BILL NO. 2601, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2615, By Representatives Jarrett, Moeller, Ericksen, Clibborn, Edwards, Schindler, Romero and Tom

Modifying the interlocal cooperation act regarding notice requirements for contracting.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Jarrett and Moeller spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2615.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2615 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt,

Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

HOUSE BILL NO. 2615, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 2632, and the bill held its place on the Second Reading Suspension Calendar.

HOUSE BILL NO. 2685, By Representatives Hudgins, McMorris, Conway and Kenney; by request of Liquor Control Board

Revising provisions relating to acceptable forms of identification for liquor sales.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2685 was read the second time.

The bill was placed on final passage.

Representatives Hudgins and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2685.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2685 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Sehlin and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 2685, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2686, By Representatives Hudgins, Condotta and Conway; by request of Liquor Control Board

Authorizing inspection of records regarding transportation of cigarettes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2686 was read the second time.

The bill was placed on final passage.

Representatives Hudgins and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2686.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2686 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Absent: Representative Delvin - 1.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2686, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2688, By Representative Wood; by request of Lottery Commission

Authorizing the state lottery to conduct criminal history background checks.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2688.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2688 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2688, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2703, By Representatives Armstrong, Cooper, Delvin and Blake

Increasing the minimum for bid requirements for materials or work for joint operating agencies.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2703.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2703 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2703, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2742, By Representatives Haigh, Armstrong, McDermott and Miloscia; by request of Secretary of State

Incorporating the 2003 changes into Title 29A RCW.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2742.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2742 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2742, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2743, By Representatives Haigh, Armstrong, McDermott, Miloscia and Upthegrove; by request of Secretary of State

Consolidating and clarifying election-related crimes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2743.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2743 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2743, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2831, By Representatives Chandler, Grant, Holmquist, Newhouse, Delvin and Hunt

Increasing the number of days certain fairs can use the special occasion liquor license.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Chandler and Conway spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2831.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2831 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2831, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2859, By Representatives Wallace, Boldt, Dunshee, Orcutt, Lantz, Hankins, Alexander, Linville, Eickmeyer, Murray, Morrell, Upthegrove and Schual-Berke

Authorizing projects recommended by the public works board.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Wallace spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2859.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2859 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2859, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2867, By Representatives McDermott and Nixon; by request of Secretary of State

Conforming legal notice broadcast requirements to current practice.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives McDermott and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2867.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2867 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2867, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2878, By Representatives Romero, Alexander and Hunt

Making changes to county treasurer statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2878 was read the second time.

The bill was placed on final passage.

Representatives Romero and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2878.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2878 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2878, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2985, By Representatives Cody, Campbell, Kenney, Dickerson and Rockefeller

Providing for individual health insurance for retired and disabled public employees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2985 was read the second time.

The bill was placed on final passage.

Representatives Cody spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2985.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2985 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris,

Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2985, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4036, By Representatives Linville, Rockefeller, Chase, Morrell and Kagi

Requesting federal funding to help implement certain Clean Water Act requirements.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4036 was read the second time.

The joint memorial was placed on final passage.

Representative Linville spoke in favor of passage of the joint memorial.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4036.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4036 and the joint memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4036, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1019, By House Committee on State Government (originally sponsored by Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove)

Protecting the identity of electronic toll payers.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1019 was substituted for Substitute House Bill No. 1019 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1019 was read the second time.

Representative Nixon moved the adoption of amendment (776):

On page 6, line 29, after "information." insert "For these purposes aggregate data may include identification of the census tract of the account holder as long as personally identifying information is not released."

On page 16, line 23, after "information." insert "For these purposes aggregate data may include identification of the census tract of the account holder as long as personally identifying information is not released."

Representative Nixon spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Nixon, Haigh, Lantz and McMahan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1019.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1019 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1019, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1498, By Representatives Morrell, Campbell, Cody, Kagi and Santos

Modifying the scope of care provided by physical therapists.

The bill was read the second time. There being no objection, Substitute House Bill No. 1498 was substituted for House Bill No. 1498 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1498 was read the second time.

Representative Morrell moved the adoption of amendment (778):

On page 2, line 27, after "The" insert "use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the"

On page 4, line 3, after "debridement" insert ". A physical therapist may perform wound care services only by referral from or after consultation with an authorized health care practitioner"

On page 6, line 4, after "practice" insert "under this chapter"

On page 6, line 14, after "(6)" strike "(a)"

On page 6, beginning on line 22, strike all of subsection (b)

Representative Morrell spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Morrell, Campbell and Orcutt spoke in favor of passage of the bill.

Representative Holmquist spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1498.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1498 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Ahern, Hinkle, Holmquist and Schual-Berke - 4.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2244, By Representative Delvin

Limiting outdoor burning when a fire safety burn ban is declared.

The bill was read the second time.

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

Representatives Delvin and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2244.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2244 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2244, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2307, By Representatives Schoesler, Linville, Sump, Cox, Delvin, Armstrong and Hinkle

Concerning appointment to a water conservancy board.

The bill was read the second time. There being no objection, Substitute House Bill No. 2307 was substituted for House Bill No. 2307 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2307 was read the second time.

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

Representatives Schoesler and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2307.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2307 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2307, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2318, By Representatives Orcutt, Hatfield, Mielke, Rockefeller and Newhouse

Concerning the verification of a landowner as a small forest landowner.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (803):

On page 6, from the beginning of line 21, strike all material through "76.13.120." on line 30 and insert "When establishing a forest riparian easement program applicant's status as a qualifying small forest landowner pursuant to RCW 76.13.120, the department shall not review the applicant's timber harvest records, or any other tax-related documents, on file with the department of revenue. The department of revenue may confirm or deny an applicant's status as a small forest landowner at the request of the department; however, for the purposes of this section, the department of revenue may not disclose more information than whether or not the applicant has reported a harvest or harvests totaling greater than or less than the qualifying thresholds established in RCW 76.13.120. Nothing in this section, or section 3 of this act, prohibits the department from reviewing aggregate or general information provided by the department of revenue."

On page 6, from the beginning of line 33, strike all material through "act." on page 7, line 3, and insert "The department shall, when contacted by the department of natural resources under section 2 of this act, rely on submitted tax-related documents to confirm or deny that an applicant for the forest riparian easement program established in RCW 76.13.120 satisfies the definition of a small forest landowner, as that term is defined in RCW 76.13.120. Nothing in this section, or section 2 of this act, prohibits the department from providing the department of natural resources with aggregate or general information."

Representatives Orcutt and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Orcutt and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2318.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2318 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan, and Skinner - 3.

ENGROSSED HOUSE BILL NO. 2318, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2354, By Representatives Kristiansen, McMahan, Newhouse, Roach, McDonald, Sullivan, Ahern, G. Simpson, Pearson, Morrell, Bailey and Benson

Allowing for a discount on medicare supplement insurance policies when premiums are deposited automatically.

The bill was read the second time. There being no objection, Substitute House Bill No. 2354 was substituted for House Bill No. 2354 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2354 was read the second time.

Representative Kristiansen moved the adoption of amendment (768):

On page 2, line 7, after "based on" strike "method and frequency" and insert "spousal discounts, frequency of payment, and method"

Representative Kristiansen spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kristiansen and G. Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2354.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2354 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2387, By Representatives Carrell, Talcott, Bush, Lantz, Cox, Pearson, McMahan, Kristiansen, Mielke, Boldt, Morrell, Orcutt and Ahern

Authorizing the release of patient records for the purpose of restoring state mental health hospital cemeteries.

The bill was read the second time.

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

Representatives Carrell, Cody and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2387.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2387 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2387, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2395, By Representatives Kirby, Dickerson, Lantz, O'Brien and Kenney

Modifying the statute of limitations for childhood sexual abuse civil cases.

The bill was read the second time.

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

Representatives Kirby and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2395.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2395 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2395, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2415, By Representatives Haigh, Talcott, Wallace, Armstrong, Fromhold, Anderson, Upthegrove, G. Simpson, Morrell, Conway and Rockefeller

Defining veteran for certain purposes.

The bill was read the second time.

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

Representatives Haigh and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2415.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2415 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2415, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2433, By Representatives Hatfield, Clements, Haigh, Grant, Armstrong, Blake, Sump and Condotta

Changing provisions relating to a candidate appearing on a ballot for two offices.

The bill was read the second time. There being no objection, Substitute House Bill No. 2433 was substituted for House Bill No. 2433 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2433 was read the second time.

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

Representatives Hatfield and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2433.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2433 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2433, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2453, By Representatives Fromhold, Roach and Condotta

Modifying the taxation of wholesale sales of new motor vehicles.

The bill was read the second time.

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

Representatives Fromhold and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2453.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2453 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

HOUSE BILL NO. 2453, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2538, By Representatives Conway, Fromhold, Alexander, Rockefeller, Upthegrove, G. Simpson, Moeller, Chase, Bush and Armstrong; by request of Select Committee on Pension Policy

Establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years.

The bill was read the second time. There being no objection, Substitute House Bill No. 2538 was substituted for House Bill No. 2538 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2538 was read the second time.

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

Representatives Conway and Bush spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2538.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2538 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Flannigan and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2538, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4032, By Representatives Eickmeyer, Skinner, Pettigrew, Chase, McDonald, Kristiansen, McCoy, Wallace, Priest, Condotta, Blake, Clements, Conway, Anderson, Edwards, Morrell, Campbell, Upthegrove, Kenney, Kessler and Wood

Urging Congress to fully restore funding for the manufacturing extension partnership program.

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4032 was substituted for House Joint Memorial No. 4032 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4032 was read the second time.

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

Representative Eickmeyer spoke in favor of passage of the joint memorial.

MOTION

On motion of Representative Santos, Representative Veloria was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4032.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4032 and the memorial passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4032, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1895, By Representatives Campbell and Kirby

Limiting when the presence of a dog may affect the availability of homeowner's insurance.

The bill was read the second time.

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

Representatives Campbell, Schual-Berke and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1895.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1895 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Boldt, Mielke and Tom - 3.
Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

HOUSE BILL NO. 1895, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2234, By Representatives Romero, Schoesler, Hunt, Dunshee and Alexander

Creating the legislative buildings committee.

The bill was read the second time. There being no objection, Substitute House Bill No. 2234 was substituted for House Bill No. 2234 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2234 was read the second time.

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

Representatives Romero and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2234.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2234 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

SUBSTITUTE HOUSE BILL NO. 2234, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2367, By Representatives Linville, Schoesler, Campbell, McDonald, Delvin, Sullivan, Hunt, Moeller, McDermott, Kenney and Morrell; by request of Department of Agriculture

Promoting Washington-grown apples.

The bill was read the second time. There being no objection, Substitute House Bill No. 2367 was substituted for House Bill No. 2367 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2367 was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2367.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2367 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

SUBSTITUTE HOUSE BILL NO. 2367, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2455, By Representatives Santos, Anderson and G. Simpson

Providing for financial literacy.

The bill was read the second time. There being no objection, Substitute House Bill No. 2455 was substituted for House Bill No. 2455 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2455 was read the second time.

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

Representatives Santos and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2455.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2455 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Hatfield - 1.

Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

SUBSTITUTE HOUSE BILL NO. 2455, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2504, By Representatives Schoesler, Grant, Holmquist, Cox, Newhouse, Hinkle, Chandler, Sump and McMorris

Concerning water policy in regions with regulated reductions in aquifer levels.

The bill was read the second time. There being no objection, Substitute House Bill No. 2504 was substituted for House Bill No. 2504 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2504 was read the second time.

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

Representatives Schoesler, Linville and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2504.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2504 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

SUBSTITUTE HOUSE BILL NO. 2504, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2506, By Representatives Hinkle, Armstrong, Blake, Shabro, Buck, Hatfield, Upthegrove, Condotta, Moeller, McMorris and Bush

Allowing access roads to private property surrounded by certain public lands.

The bill was read the second time. There being no objection, Substitute House Bill No. 2506 was substituted for House Bill No. 2506 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2506 was read the second time.

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

Representatives Hinkle and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2506.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2506 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

SUBSTITUTE HOUSE BILL NO. 2506, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2547, By Representatives D. Simpson, Cairnes, Haigh, Conway, McCoy, G. Simpson, Chase and Orcutt; by request of Department of Revenue and Department of Veterans Affairs

Clarifying the property taxation of vehicles carrying exempt licenses.

The bill was read the second time.

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

Representatives D. Simpson, Cairnes, McIntire, Pettigrew, Armstrong, McDermott, Hunter, Miloscia, Benson, Murray, Dickerson and Kirby spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2547.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2547 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris,

Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

HOUSE BILL NO. 2547, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hatfield congratulated Representative D. Simpson on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2598, By Representatives Grant, Holmquist, Linville, Kessler, Quall, Clements, Ahern, Cox, Sehlin, Morris, Priest, Kristiansen, Nixon, Santos, Buck, Wallace, Orcutt, Armstrong, Clibborn, Chandler, Schoesler, Sump, Bush, Jarrett, Kenney, Hatfield, Lovick, Eickmeyer, O'Brien, Blake, Ruderman, Skinner, Hinkle, Newhouse, Anderson, Schindler, Tom, Wood, Hankins, McMahan and Condotta; by request of Governor Locke

Providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts.

The bill was read the second time.

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

Representatives Grant and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2598.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2598 and the bill passed the House by the following vote: Yeas - 85, Nays - 8, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Chase, Cooper, Dickerson, Hunt, Kagi, McDermott, Romero, and G. Simpson - 8.

Excused: Representatives Edwards, Flannigan, Sehlin, Skinner and Veloria - 5.

HOUSE BILL NO. 2598, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2683, By Representatives Haigh, Armstrong and Linville; by request of Governor Locke

Changing provisions relating to providing notice of proposed rule changes.

The bill was read the second time.

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

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2683.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2683 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, Sehlin, Skinner and Veloria - 5.

HOUSE BILL NO. 2683, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2811, By Representatives Jarrett, Upthegrove, Priest, Romero, Shabro, Moeller, Clibborn, Linville, Edwards, Tom, Sullivan and Woods

Establishing permit processing timelines and reporting requirements for certain local governments subject to the requirements of RCW 36.70A.215.

The bill was read the second time.

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

Representatives Jarrett and Romero spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2811.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2811 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy,

McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, Sehlin, Skinner and Veloria - 5.

HOUSE BILL NO. 2811, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2984, By Representatives Shabro, Kagi, Bush, Darneille, Dickerson, Roach, Rodne, Bailey, Boldt, Campbell, Nixon, McDonald, Kenney, Armstrong, Woods, Chase and Hunter

Requiring child fatality reviews for children involved in the child welfare system.

The bill was read the second time. There being no objection, Substitute House Bill No. 2984 was substituted for House Bill No. 2984 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2984 was read the second time.

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

Representatives Shabro, Kagi and Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2984.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2984 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, Sehlin, Skinner and Veloria - 5.

SUBSTITUTE HOUSE BILL NO. 2984, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 2377, By Representatives Lovick and Dickerson

Reorganizing provisions concerning mental health services for minors.

The bill was read the second time.

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

Representatives Lovick and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of House Bill No. 2377.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2377 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, Sehlin, Skinner and Veloria - 5.

HOUSE BILL NO. 2377, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2471, By Representatives Lovick, Delvin, O'Brien, Edwards, Chase, Ahern, D. Simpson, Kessler, Kirby, Pettigrew, Lantz, Rockefeller, McCoy, Murray, Eickmeyer, Sullivan, Miloscia, Haigh, Dickerson, Hunt, Grant, McDermott, Romero, Ormsby, Darneille, McDonald, Morrell, Wallace, Skinner, Kenney, Moeller, Dunshee, Hudgins, Hankins, Hinkle, Pearson, Santos, Wood, McMahan, Clibborn, G. Simpson, Fromhold, Hunter, Talcott, Kristiansen, Hatfield, Condotta and Conway

Authorizing special license plates to honor law enforcement officers killed in the line of duty.

The bill was read the second time.

Representative Lovick moved the adoption of amendment (785):

On page 1, at the beginning of line 7, insert "(1) The legislature recognizes that the law enforcement memorial license plate has been reviewed by the special license plate review board under RCW 46.16.725, and was found to fully comply with all provisions of RCW 46.16.705 through 46.16.775.

(2)"

On page 1, line 11, after "for" strike "motor"

On page 1, line 11, after "two" strike "motor"

On page 1, line 12, after "plates" strike "or for motorcycles"

On page 4, line 3, after "registration of a" strike "motor"

On page 4, line 18, after "renewal of a" strike "motor"

Representative Lovick spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lovick and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2471.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2471 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, Sehlin, Skinner and Veloria - 5.

ENGROSSED HOUSE BILL NO. 2471, having received the necessary constitutional majority, was declared passed.

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

SECOND READING SUSPENSION

HOUSE BILL NO. 2632, By Representatives Clibborn, Nixon, Wallace, Edwards, Hunter, Lovick, Moeller, Upthegrove, Kagi and Hudgins

Allowing fax and electronic mail notice of special meetings.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Clibborn and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2632.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2632 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Flannigan, Skinner and Veloria - 4.

HOUSE BILL NO. 2632, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1741, By Representatives Romero, Lantz, Mielke, O'Brien, Edwards, Chase and Schindler

Prohibiting discrimination against consumers' choices in housing.

The bill was read the second time. There being no objection, Substitute House Bill No. 1741 was substituted for House Bill No. 1741 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1741 was read the second time.

With the consent of the House, amendment (799) was withdrawn.

Representative Romero moved the adoption of amendment (765):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that: Congress has preempted the regulation by the states of manufactured housing construction standards through adoption of construction standards for manufactured housing (42 U.S.C. Sec. 5401-5403); and this federal regulation is equivalent to the state's uniform building code. The legislature also finds that congress has declared that: (1) Manufactured housing plays a vital role in meeting the housing needs of the nation; and (2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans (42 U.S.C. Sec. 5401-5403). The legislature intends to protect the consumers' rights to choose among a number of housing construction alternatives without restraint of trade or discrimination by local governments.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

A city or town may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated in the same manner as site built homes, factory built homes, or homes built to any other state construction standard. However, any city or town may require that (1) a manufactured home be a new manufactured home, (2) the manufactured home be set upon a permanent foundation, as specified in the state manufactured housing installation standard, (3) if the manufactured home is to be located in a designated historic neighborhood, the manufactured home comply with all design standards that apply to all other homes within the designated historic neighborhood, (4) the home is thermally equivalent to the state energy code, and (5) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. A city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.21 RCW to read as follows:

A code city may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be

regulated in the same manner as site built homes, factory built homes, or homes built to any other state construction standard. However, any code city may require that (1) a manufactured home be a new manufactured home, (2) the manufactured home be set upon a permanent foundation, as specified in the state manufactured housing installation standard, (3) if the manufactured home is to be located in a designated historic neighborhood, the manufactured home comply with all design standards that apply to all other homes within the designated historic neighborhood, (4) the home is thermally equivalent to the state energy code, and (5) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. A code city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 36.01 RCW to read as follows:

A county may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated in the same manner as site built homes, factory built homes, or homes built to any other state construction standard. However, any county may require that (1) a manufactured home be a new manufactured home, (2) the manufactured home be set upon a permanent foundation, as specified in the state manufactured housing installation standard, (3) if the manufactured home is to be located in a designated historic neighborhood, the manufactured home comply with all design standards that apply to all other homes within the designated historic neighborhood, (4) the home is thermally equivalent to the state energy code, and (5) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

Sec. 5. RCW 35.63.160 and 1988 c 239 s 1 are each amended to read as follows:

(1) ~~((Each comprehensive plan which does not allow for the siting of manufactured homes on individual lots shall be subject to a review by the city of the need and demand for such homes. The review shall be completed by December 31, 1990.~~

~~(2) For the purpose of providing an optional reference for cities which choose to allow manufactured homes on individual lots,))~~ A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

(a) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

(b) Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of ~~((not less than))~~ nominal 3:12 pitch; and

(c) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

(2) "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

(3) Nothing in this section precludes cities from allowing any manufactured home from being sited on individual lots through local standards which differ from the designated manufactured home or new manufactured home as described in this section, except that the term "designated manufactured home" and "new manufactured home" shall not be used except as defined in subsections (1) and (2) of this section.

NEW SECTION. Sec. 6. This act takes effect July 1, 2005."

Correct the title.

Representative Moeller moved the adoption of amendment (809) to amendment (765):

On page 1, line 27 of the amendment, after "standard" insert "and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative"

On page 2, line 21 of the amendment, after "standard" insert "and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative"

On page 3, line 9 of the amendment, after "standard" insert "and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative"

Representatives Moeller and Mielke spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Romero and Mielke spoke in favor of the adoption of the amendment (765) as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

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

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1741.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1741 and the bill passed the House by the following vote: Yeas - 86, Nays - 7, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Armstrong, Condotta, Ericksen, Hinkle, Kirby, McMorris, and Sump - 7.

Excused: Representatives Edwards, Flannigan, McIntire, Skinner and Veloria - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2550, By Representative Boldt

Providing a liaison for community-based and faith-based social service organizations that receive no public funds.

The bill was read the second time. There being no objection, Substitute House Bill No. 2550 was substituted for House Bill No. 2550 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2550 was read the second time.

Representative Kagi moved the adoption of amendment (814):

On page 1, line 8, after "organizations" insert ", regardless of denomination"

On page 2, after line 11, insert the following:

"(4) By January 1, 2005, and annually for the four years thereafter, the department shall report to the appropriate committees of the legislature on the activities of the liaisons, including identification of the community-based and faith-based organizations served."

Representatives Kagi and Boldt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Boldt and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2550.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2550 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, McIntire, Skinner and Veloria - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2550, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1021, By House Committee on State Government
(originally sponsored by Representatives Nixon and Mielke)**

Eliminating drop-in inspections of campaign accounts.

The bill was read the third time.

Representative Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1021.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1021 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, McIntire, Skinner and Veloria - 5.

SUBSTITUTE HOUSE BILL NO. 1021, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1227, By House Committee on Commerce & Labor
(originally sponsored by Senators Pflug, Wood, Conway and Chandler)**

Concerning promotional contests of chance.

Representatives Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1227.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1227 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Crouse, and Schindler - 2.

Excused: Representatives Edwards, Flannigan, McIntire, Skinner and Veloria - 5.

SUBSTITUTE HOUSE BILL NO. 1227, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1257, By Committee on Criminal Justice & Corrections
(originally sponsored by Representatives Carrell, Haigh, O'Brien and Shabro)**

Using dogs for fighting.

Representative Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1257.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1257 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, McIntire, Skinner and Veloria - 5.

SUBSTITUTE HOUSE BILL NO. 1257, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1258, By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Carrell, Roach, Talcott, Kirby, Newhouse, Conway, McMahan, Kristiansen, Boldt, Flannigan, McDonald, Bush, Lantz, Cairnes, O'Brien, Shabro, Schindler, Ahern, Priest, Benson, Nixon, Chase and Anderson)

Committing sexually violent predators.

Representative Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1258.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1258 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, McIntire, Skinner and Veloria - 5.

SUBSTITUTE HOUSE BILL NO. 1258, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1580, By Representatives Lantz, Carrell, Flannigan, Campbell, Morris and Pettigrew

Revising provisions of the personality rights act.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1580.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1580 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Flannigan, McIntire, Skinner and Veloria - 5.

HOUSE BILL NO. 1580, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., February 12, 2004, the 32nd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE

THIRTY FIRST DAY, FEBRUARY 11, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 12, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Arthur Sawe and Amber Webb. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Monica Corsara, United Methodist Church, Seattle and Chaplain for Planned Parenthood.

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

MESSAGES FROM THE SENATE

February 11, 2004

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5597,
SENATE BILL NO. 5744,
SENATE BILL NO. 5869,
SUBSTITUTE SENATE BILL NO. 6103,
SENATE BILL NO. 6121,
SENATE BILL NO. 6127,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6129,
SENATE BILL NO. 6163,
SENATE BILL NO. 6164,
SUBSTITUTE SENATE BILL NO. 6171,
SENATE BILL NO. 6315,
SUBSTITUTE SENATE BILL NO. 6367,
SUBSTITUTE SENATE BILL NO. 6414,
SUBSTITUTE SENATE BILL NO. 6442,
SUBSTITUTE SENATE BILL NO. 6494,
SENATE BILL NO. 6516,
SUBSTITUTE SENATE BILL NO. 6575,
SUBSTITUTE SENATE BILL NO. 6636,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 11, 2004

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 6109,
SENATE BILL NO. 6213,
SUBSTITUTE SENATE BILL NO. 6216,
SENATE BILL NO. 6250,
SUBSTITUTE SENATE BILL NO. 6302,
SUBSTITUTE SENATE BILL NO. 6391,
SUBSTITUTE SENATE BILL NO. 6428,
SENATE BILL NO. 6461,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 11, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6108,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6395,
SENATE BILL NO. 6491,
SENATE BILL NO. 6593,
SENATE BILL NO. 6643,
SUBSTITUTE SENATE BILL NO. 6655,
SUBSTITUTE SENATE BILL NO. 6688,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "The Speaker would like to remind all members that cell phones on the floor are very distracting. The Speaker would remind you that if you have to make a cell phone call, please leave the floor of the House. They are extremely distracting. The acoustics are not very good in the Chamber and conversations should be taken outside."

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1723, By House Committee on Finance (originally sponsored by Representatives Carrell, Gombosky, Talcott, Cairnes and Roach)

Exempting qualified historic property from the state property tax.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1723 was returned to second reading for purpose of amendment.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1723, By House Committee on Finance (originally sponsored by Representatives Carrell, Gombosky, Talcott, Cairnes and Roach)

Exempting qualified historic property from the state property tax.

With the consent of the House, amendment (772) was withdrawn.

Representative Carrell moved the adoption of amendment (781):

On page 3, line 5, after "heritage register" strike the material through "P.L. 96-515" on line 8 and insert "or the national register of historic places"

On page 3, line 15, after "designation." insert "This exemption cannot be claimed more than once in a five year period."

On page 3, line 17, strike "annually"

On page 3, line 27, after "register" strike the material through "P.L. 96-515" on line 30 and insert "or the national register of historic places"

On page 4, line 6, strike "2003" and insert "2004"

On page 5, Line 2, strike "2004" and insert "2005"

Representatives Carrell and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Carrell spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Clements, Representatives Anderson, Bailey and Skinner were excused. On motion of Representative Santos, Representatives Edwards and G. Simpson were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1723.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1723 and the bill passed the House by the following vote: Yeas - 90, Nays - 3, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Simpson, D., Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Chase, Dunshee and Hudgins - 3.

Excused: Representatives Anderson, Bailey, Edwards, G. Simpson and Skinner - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1723, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1133, By Representatives Carrell, Cairnes, Kristiansen, Hinkle, McMahan and Mielke

Requiring county assessors to submit an annual property tax report to the department of revenue.

The bill was read the third time.

Representatives Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1133.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1133 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Anderson, Bailey, Edwards, G. Simpson, and Skinner - 5.

HOUSE BILL NO. 1133, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1615, By Representatives Dunshee, Pearson, Lovick, Kristiansen, Berkey, Sullivan and Wood

Requiring vehicle sound system components to be securely attached.

The bill was read the third time.

Representatives Dunshee and Pearson spoke in favor of passage of the bill.

Representative Ericksen spoke against the of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1615.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1615 and the bill passed the House by the following vote: Yeas - 71, Nays - 22, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Blake, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, D. Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 71.

Voting nay: Representatives Armstrong, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Condotta, Cox, Crouse, Delvin, Ericksen, Hinkle, McMahan, McMorris, Mielke, Nixon, Roach, Schindler, Schoesler, Sump and Talcott - 22.

Excused: Representatives Anderson, Bailey, Edwards, G. Simpson and Skinner - 5.

ENGROSSED HOUSE BILL NO. 1615, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656, By House Committee on Finance (originally sponsored by Representatives Ruderman, Nixon, McIntire and Cairnes)

Modifying fees for locating unclaimed property.

The bill was read the third time.

Representative Ruderman spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1656.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1656 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Clements - 1.

Excused: Representatives Bailey, Edwards, G. Simpson and Skinner - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1820, By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Pettigrew, Kagi, Santos and Kenney)

Changing provisions concerning youth shelter notification to parents about runaway youth.

The bill was read the third time.

Representatives Pettigrew and Dickerson spoke in favor of passage of the bill.

Representative Carrell spoke against the of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1820.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1820 and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Armstrong, Blake, Buck, Bush, Cairnes, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Benson, Boldt, Carrell, Crouse, McMahan, Mielke, Schindler, Sump and Talcott - 10.

Excused: Representatives Bailey, Edwards, G. Simpson and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 1820, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1820

CARY CONDOTTA, 12th District

SUBSTITUTE HOUSE BILL NO. 1872, By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Blake, Veloria, Chase, Santos and Hatfield)

Providing for linked deposit loans for assistive technology.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1872 was returned to second reading for purpose of amendment.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1872, By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Blake, Veloria, Chase, Santos and Hatfield)

Providing for linked deposit loans for assistive technology.

Representative Blake moved the adoption of amendment (813):

On page 4, line 15, after "up to" insert "an additional"

On page 4, line 17, after "act)" insert "above the amount of funds available for the purposes of RCW 43.86A.060"

Representative Blake spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Blake spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1872.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1872 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Bailey, Edwards, G. Simpson and Skinner - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1872, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043, By House Committee on Judiciary
(originally sponsored by Representatives Kirby, Campbell and Carrell)**

Changing provisions relating to dangerous dogs.

The bill was read the third time.

Representatives Kirby, Carrell and Campbell spoke in favor of passage of the bill.

Representative Tom spoke against the of passage of the bill.

POINT OF ORDER

Representative Campbell: "Mr. Speaker, would you please remind the members to speak to the measure and germane to the subject; that this is a bill on dogs, not medical malpractice?"

SPEAKER'S RULING

The Speaker (Representative Lovick): " The Speaker would remind the members of the House to limit their remarks to the legislation in front of them."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2043.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2043 and the bill passed the House by the following vote: Yeas - 88, Nays - 6, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Kagi, Kenney, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Sommers, Sullivan, Sump, Talcott, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Hunter, Jarrett, Kessler, Mielke, Quall and Tom - 6.

Excused: Representatives Bailey, Edwards, G. Simpson and Skinner - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1589, By Representatives Murray and Woods

Allowing annual permits for oversize towing operations.

The bill was read the second time.

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

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1589.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1589 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 1589, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1691, By Representatives Grant, Conway, Campbell, Wood, Kenney, Morrell, Crouse, Rockefeller, Holmquist, McCoy and Pflug

Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance.

The bill was read the second time. There being no objection, Substitute House Bill No. 1691 was substituted for Engrossed House Bill No. 1691 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1691 was read the second time.

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

Representatives Grant, Conway and McMorris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1691.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1691 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy,

McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 1691, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1702, By House Committee on Transportation (originally sponsored by Representatives Hatfield, Mielke, Romero, Armstrong, Cooper, Blake, Boldt, Orcutt, Santos, McCoy, Alexander, Schoesler, Chandler, Grant, Schindler and Condotta)

Recovering costs for motorist information signs.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1702 was substituted for Substitute House Bill No. 1702 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1702 was read the second time.

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

Representatives Hatfield and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1702.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1702 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1702, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1862, By Representatives Ruderman, Pflug, Cody, Skinner, Clibborn, Benson, Chase, Anderson, Campbell, Conway and Dickerson

Regulating naturopathic physicians.

The bill was read the second time. There being no objection, Substitute House Bill No. 1862 was substituted for House Bill No. 1862 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1862 was read the second time.

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

Representative Ruderman spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1862.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1862 and the bill passed the House by the following vote: Yeas - 71, Nays - 24, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Blake, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Boldt, Buck, Condotta, Cox, Crouse, Delvin, Fromhold, Hankins, Jarrett, Mastin, Mielke, Newhouse, Orcutt, Priest, Schindler, Schoesler, Sehlin, Shabro, Sump and Talcott - 24.

Excused: Representatives Bailey, Edwards and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 1862, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 1862.

BRUCE CHANDLER, 15th District

HOUSE BILL NO. 1995, By Representative Quall

Changing the disposition of proceeds from the lease, rental, or sale of school district real property.

The bill was read the second time. There being no objection, Substitute House Bill No. 1995 was substituted for House Bill No. 1995 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1995 was read the second time.

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

Representatives Quall and Tom spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1995.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1995 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 1995, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2014, By Representatives Flannigan, Delvin, Kirby, Moeller, Lovick, Lantz, G. Simpson, Shabro, Edwards and Kagi

Preventing denial of insurance coverage for injuries caused by narcotic or alcohol use.

The bill was read the second time.

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

Representative Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2014.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2014 and the bill passed the House by the following vote: Yeas - 74, Nays - 21, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Benson, Blake, Boldt, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Anderson, Buck, Bush, Cairnes, Carrell, Chandler, Cox, Crouse, Ericksen, Hankins, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Orcutt, Pearson, Roach, Rodne, Schoesler and Talcott - 21.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2014, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2300, By Representatives Linville, Schoesler and McMorris; by request of Department of Agriculture

Applying pesticides.

The bill was read the second time. There being no objection, Substitute House Bill No. 2300 was substituted for House Bill No. 2300 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2300 was read the second time.

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

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2300.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2300 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2300, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2313, By Representatives Carrell, Boldt and Mielke

Regulating bail bond recovery agents.

The bill was read the second time. There being no objection, Substitute House Bill No. 2313 was substituted for House Bill No. 2313 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2313 was read the second time.

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

Representatives Carrell and Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2313.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2313 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2313, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2319, By Representatives Wallace, Armstrong, Murray, Campbell, Wood, Jarrett, Morrell, Lovick, Cooper, Sullivan, Kenney, Condotta, Chase and Edwards

Regulating traffic signal preemption devices.

The bill was read the second time. There being no objection, Substitute House Bill No. 2319 was substituted for House Bill No. 2319 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2319 was read the second time.

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

Representatives Wallace and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2319.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2319 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2319, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2321, By Representatives Linville, Schoesler, Sump, Grant and Pearson; by request of Commissioner of Public Lands

Clarifying the definitions of certain natural resources terms.

The bill was read the second time. There being no objection, Substitute House Bill No. 2321 was substituted for House Bill No. 2321 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2321 was read the second time.

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

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2321.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2321 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2321, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2344, By Representatives Alexander, Sommers, Romero, Hunt and Moeller; by request of Department of General Administration

Managing the motor pool within the department of general administration.

The bill was read the second time.

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

Representatives Alexander and Sommers spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2344 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

HOUSE BILL NO. 2344, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2350, By Representatives Ericksen, Moeller and Benson

Regulating fees for using an automated teller machine.

The bill was read the second time. There being no objection, Substitute House Bill No. 2350 was substituted for House Bill No. 2350 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2350 was read the second time.

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

Representatives Kristiansen and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2350.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2350 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2350, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2361, By Representatives Kagi, O'Brien, Kenney, Wood, Dickerson, Schual-Berke, Boldt, Morrell and Darneille

Requiring development and implementation of policies concerning visitation for children in foster care.

The bill was read the second time. There being no objection, Substitute House Bill No. 2361 was substituted for House Bill No. 2361 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2361 was read the second time.

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

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2361.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2361 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2361, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2380, By Representatives Grant, Armstrong, Upthegrove, Schoesler, Linville, Nixon, Ruderman, Hunter, Woods and Orcutt

Requiring the governor's signature on significant legislative rules.

The bill was read the second time.

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

Representatives Grant and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2380.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2380 and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Conway, Cooper, Dickerson, Hunt, McDermott, Murray, Romero, and G. Simpson - 8.

Excused: Representatives Bailey and Edwards - 2.

HOUSE BILL NO. 2380, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2382, By Representatives Kenney, Cox, Fromhold, Nixon, Anderson, Ruderman, Chase, Schual-Berke, Miloscia, Hudgins, Wood, Morrell, Santos, Moeller and Kagi

Improving articulation and transfer between institutions of higher education.

The bill was read the second time. There being no objection, Substitute House Bill No. 2382 was substituted for House Bill No. 2382 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2382 was read the second time.

With the consent of the House, amendment (751) was withdrawn.

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

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2382.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2382 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2382, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2394, By Representatives Newhouse, Linville, Clements, Schoesler, McMorris, Orcutt, Holmquist, Delvin, Hinkle and Grant

Extending a wildlife crop damage reimbursement program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2394 was substituted for House Bill No. 2394 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2394 was read the second time.

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

Representatives Newhouse and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2394.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2394 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2394, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2404, By Representative Nixon

Establishing requirements for cancer registry information to be provided to cancer patients.

The bill was read the second time. There being no objection, Substitute House Bill No. 2404 was substituted for House Bill No. 2404 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2404 was read the second time.

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

Representative Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2404.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2404 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2404, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 2844, By Representatives Lovick, Morrell, Benson, Campbell, G. Simpson, Bush, Quall, Upthegrove and Schual-Berke; by request of Department of Health and Washington State Patrol

Increasing the regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine.

The bill was read the second time. There being no objection, Substitute House Bill No. 2844 was substituted for House Bill No. 2844 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2844 was read the second time.

Representative Lovick moved the adoption of amendment (810):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that quantities of ephedrine, pseudoephedrine, and phenylpropanolamine continue to be sold at the wholesale and retail levels far in excess of legitimate consumer needs. The excess quantities being sold are most likely used in the criminal manufacture of methamphetamine. It is therefore necessary for the legislature to further regulate the sales of these drugs, including sales from out-of-state sources, in order to reduce the threat that methamphetamine presents to the people of the state.

Sec. 2. RCW 18.64.044 and 1989 1st ex.s. c 9 s 401 and 1989 c 352 s 1 are each reenacted and amended to read as follows:

(1) A shopkeeper registered as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to register as a shopkeeper through the master license system, and he or she shall pay the fee determined by the secretary for registration, and on a date to be determined by the secretary thereafter the fee determined by the secretary for renewal of the registration; and shall at all times keep said registration or the current renewal thereof conspicuously exposed in the (~~shop~~) location to which it applies. In event such shopkeeper's registration is not renewed by the master license expiration date, no renewal or new registration shall be issued except upon payment of the registration renewal fee and the master license delinquency fee under chapter 19.02 RCW. This registration fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the secretary under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

(5) A shopkeeper who is not a licensed pharmacy may purchase ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, only from a wholesaler licensed by the department under RCW 18.64.046 or from a manufacturer licensed by the department under RCW 18.64.045. A person violating this subsection is guilty of a gross misdemeanor, and each purchase in violation of this subsection constitutes a separate offense.

(6) No shopkeeper who is not a licensed pharmacy may sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed ten percent of the shopkeeper's total prior monthly sales of nonprescription drugs in March through October. In November through February, no shopkeeper may sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed twenty percent of the shopkeeper's total prior monthly sales of nonprescription drugs. For purposes of this section, monthly sales means total dollars paid by buyers. The board may suspend or revoke the registration of a shopkeeper who violates this subsection.

(7) Shopkeepers who are not licensed pharmacies shall maintain inventory records of the receipt and disposition of nonprescription drugs, utilizing existing inventory controls if an auditor or investigator can determine compliance with subsection (6) of this section, and otherwise in the form and manner required by the board. The records shall be available for inspection by the board or any law enforcement agency and shall be maintained for two years. The board may suspend or revoke the registration of a shopkeeper who violates this subsection. For purposes of this subsection, "disposition" means the return of product to the wholesaler or distributor.

Sec. 3. RCW 18.64.046 and 2003 c 53 s 133 are each amended to read as follows:

(1) The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280, a like fee to be determined by the secretary, for which the owner shall receive a license of location from the department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the secretary, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business.

(2) Failure to conform with this section is a misdemeanor, and each day that the failure continues is a separate offense.

(3) In event the license fee remains unpaid on the date due, no renewal or new license shall be issued except upon compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

(4) No wholesaler may sell any quantity of drug products containing ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products to persons within the state of Washington exceed five percent of the wholesaler's total prior monthly sales of nonprescription drugs to persons within the state in March through October. In November through February, no wholesaler may sell any quantity of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers if the total monthly sales of these products to persons within the state of Washington exceed ten percent of the wholesaler's total prior monthly sales of nonprescription drugs to persons within the state. For purposes of this section, monthly sales means total dollars paid by buyers. The board may suspend or revoke the license of any wholesaler that violates this section.

(5) The board may exempt a wholesaler from the limitations of subsection (4) of this section if it finds that the wholesaler distributes nonprescription drugs only through transactions between divisions, subsidiaries, or related companies when the wholesaler and the retailer are related by common ownership, and that neither the wholesaler nor the retailer has a history of suspicious transactions in precursor drugs as defined in RCW 69.43.035.

(6) The requirements for a license apply to all persons, in Washington and outside of Washington, who sell both legend drugs and nonprescription drugs and to those who sell only nonprescription drugs, at wholesale to pharmacies, practitioners, and shopkeepers in Washington.

(7) No wholesaler may sell any quantity of ephedrine, pseudoephedrine, phenylpropanolamine, or their salts, isomers, or salts of isomers, to any person in Washington other than a pharmacy licensed under this chapter, a shopkeeper or itinerant vendor registered under this chapter, or a practitioner as defined in RCW 18.64.011. A violation of this subsection is punishable as a class C felony according to chapter 9A.20 RCW, and each sale in violation of this subsection constitutes a separate offense.

Sec. 4. RCW 18.64.047 and 2003 c 53 s 134 are each amended to read as follows:

(1) Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the secretary on a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280. The department may issue a registration to such vendor on an approved application made to the department.

(2) Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, is guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

(3) In event the registration fee remains unpaid on the date due, no renewal or new registration shall be issued except upon compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280. This registration shall not authorize the sale of legend drugs or controlled substances.

(4) An itinerant vendor may purchase ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers only from a wholesaler licensed by the department under RCW 18.64.046 or from a manufacturer licensed by the department under RCW 18.64.045.

(5) No itinerant vendor may sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed ten percent of the itinerant vendor's total prior monthly sales of nonprescription drugs in March through October. In November through February, no itinerant vendor may sell any quantity of ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, if the total monthly sales of these products exceed twenty percent of the itinerant vendor's total prior monthly sales of nonprescription drugs. For purposes of this section, monthly sales means total dollars paid by buyers. The board may suspend or revoke the registration of an itinerant vendor who violates this subsection.

(6) Itinerant vendors shall maintain inventory records of the receipt and disposition of nonprescription drugs, utilizing existing inventory controls if an auditor or investigator can determine compliance with subsection (5) of this section, and otherwise in the form and manner required by the board. These records shall be available for inspection by the board or any law enforcement agency and shall be maintained for two years. The board may suspend or revoke the registration of an itinerant vendor who violates this subsection. For purposes of this subsection, "disposition" means the return of product to the wholesaler or distributor.

Sec. 5. RCW 69.43.110 and 2001 c 96 s 9 are each amended to read as follows:

(1) It is unlawful for a pharmacy licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW, or an employee thereof, or a practitioner as defined in RCW 18.64.011, knowingly to sell, transfer, or to otherwise furnish, in a single transaction:

(a) More than three packages of one or more products that he or she knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers; or

(b) A single package of any product that he or she knows to contain more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances.

(2) It is unlawful for a person who is not a manufacturer, wholesaler, pharmacy, practitioner, shopkeeper, or itinerant vendor licensed by or registered with the department of health under chapter 18.64 RCW to purchase or acquire, in any twenty-four hour period, more than the quantities of the substances specified in subsection (1) of this section.

(3) It is unlawful for any person to sell or distribute any of the substances specified in subsection (1) of this section unless the person is licensed by or registered with the department of health under chapter 18.64 RCW, or is a practitioner as defined in RCW 18.64.011.

(4) A violation of this section is a gross misdemeanor.

Sec. 6. RCW 69.43.035 and 2001 c 96 s 4 are each amended to read as follows:

(1) Any manufacturer or wholesaler who sells, transfers, or otherwise furnishes any substance specified in RCW 69.43.010(1) to any person in a suspicious transaction shall report the transaction in writing to the state board of pharmacy.

(2) Any person specified in subsection (1) of this section who does not submit a report as required by subsection (1) of this section is guilty of a gross misdemeanor.

(3) For the purposes of this section, "suspicious transaction" means a sale or transfer to which any of the following applies:

(a) The circumstances of the sale or transfer would lead a reasonable person to believe that the substance is likely to be used for the purpose of unlawfully manufacturing a controlled substance under chapter 69.50 RCW, based on such factors as the amount involved, the method of payment, the method of delivery, and any past dealings with any participant in the transaction. The state board of pharmacy shall adopt by rule criteria for determining whether a transaction is suspicious, taking into consideration the recommendations in appendix A of the report to the United States attorney general by the suspicious orders task force under the federal comprehensive methamphetamine control act of 1996.

(b) The transaction involves payment for any substance specified in RCW 69.43.010(1) in cash or money orders in a total amount of more than two hundred dollars.

(4) The board of pharmacy shall transmit to the department of revenue a copy of each report of a suspicious transaction that it receives under this section.

Sec. 7. RCW 69.43.130 and 2001 c 96 s 11 are each amended to read as follows:

RCW 69.43.110 and 69.43.120 do not apply to:

(1) Pediatric products primarily intended for administration to children under twelve years of age, according to label instructions, either: (a) In solid dosage form whose individual dosage units do not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropranolamine; or (b) in liquid form whose recommended dosage, according to label instructions, does not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropranolamine per five milliliters of liquid product;

(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce; ((ø€))

(3) Products that the state board of pharmacy, upon application of a manufacturer, exempts by rule from RCW 69.43.110 and 69.43.120 because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors; or

(4) Products, as packaged, that the board of pharmacy, upon application of a manufacturer, exempts from RCW 69.43.110(1)(b) and 69.43.120 because:

(a) The product meets the federal definition of an ordinary over-the-counter pseudoephedrine product as defined in 21 U.S.C. 802;

(b) The product is a salt, isomer, or salts of isomers of pseudoephedrine and, as packaged, has a total weight of more than three grams but the net weight of the pseudoephedrine base is equal to or less than three grams; and

(c) The board of pharmacy determines that the value to the people of the state of having the product, as packaged, available for sale to consumers outweighs the danger, and the product, as packaged, has not been used in the illegal manufacture of methamphetamine.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act takes effect July 1, 2004."

Correct the title.

Representatives Lovick and Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lovick, Ahern and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2844.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2844 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2844, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1283, By House Committee on Judiciary (originally sponsored by Representatives Lovick, Pettigrew, O'Brien, Cooper, G. Simpson, Kagi, Moeller, Chase, Rockefeller, Lantz and Cairnes)

Allowing for vacation of a record of conviction of a misdemeanor or gross misdemeanor even if the applicant had the record of another conviction vacated.

The bill was read the third time.

Representative Lovick spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1283.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1283 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 1283, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Hatfield) called upon Representative Lovick to preside.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1840, By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Clibborn, Jarrett, Rockefeller, O'Brien, Skinner, Hankins, Edwards, Nixon, Pettigrew, Sullivan, Hunt, Moeller, Schindler, Mielke, Kenney, Haigh, Linville, Lovick, Chase, Darneille and Tom)

Authorizing nonprofit corporations to participate in self-insurance risk pools.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1840 was substituted for Substitute House Bill No. 1840 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1840 was read the second time.

Representative Clibborn moved the adoption of amendment (828):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that recent increases in property and liability insurance premiums experienced by some nonprofit organizations have the potential to negatively impact the ability of these organizations to continue to offer the level of service they provide in our communities. The legislature finds that nonprofit organizations are distinct from private for-profit businesses. By their very nature, nonprofit organizations are formed for purposes other than generating a profit, and are restricted from distributing any part of the organization's income to its directors or officers. Because of these characteristics, nonprofit organizations provide a unique public good to the residents in our state.

The legislature finds that in order to sustain the financial viability of nonprofit organizations, they should be provided with alternative options for insuring against risks. The legislature further finds that local government entities and nonprofit organizations share the common goal of providing services beneficial to the public interest. The legislature finds that allowing nonprofit organizations and local government entities to pool risk in self-insurance risk pools may be of mutual benefit for both types of entities. Therefore, it is the intent of the legislature to allow nonprofit organizations to form or participate in self-insurance risk pools with other nonprofit organizations or with local government entities where authority for such risk pooling arrangements does not currently exist in state or federal law.

Sec. 2. RCW 48.62.021 and 2002 c 332 s 24 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water-sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations.

(2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(6) "State risk manager" means the risk manager of the risk management division within the office of financial management.

(7) "Nonprofit corporation" or "corporation" has the same meaning as defined in RCW 24.03.005(3).

NEW SECTION. Sec. 3. A new section is added to chapter 48.62 RCW to read as follows:

(1) A nonprofit corporation may form or join a self-insurance risk pool with one or more nonprofit corporations or with a local government entity or entities for property and liability risks.

(2) A nonprofit corporation that participates in or forms a self-insurance risk pool with one or more nonprofit corporations or with a local government entity or entities, as provided in subsection (1) of this section, is subject to the same rules and regulations that apply to a local government entity or entities under this chapter.

(3) This section does not apply to a nonprofit corporation that:

(a) Individually self-insures for property and liability risks;

(b) Participates in a risk pooling arrangement, including a risk retention group or a risk purchasing group, regulated under chapter 48.92 RCW, or is a captive insurer authorized in its state of domicile; or

(c) Is a hospital licensed under chapter 70.41 RCW or an entity owned, operated, controlled by, or affiliated with such a hospital that participates in a self-insurance risk pool or other risk pooling arrangement, unless the self-insurance pool or other risk pooling arrangement for property and liability risks includes a local government entity."

Correct the title.

Representatives Clibborn and Benson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Clibborn, Benson, Holmquist and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1840.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1840 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1840, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1575, By Representatives Conway, DeBolt, Cooper, Fromhold, Crouse, Orcutt, Hudgins, Campbell, Berkey and Kenney

Expanding membership of the electrical board by appointment of one outside line worker.

The bill was read the third time.

Representative Conway spoke in favor of passage of the bill.

Representative Chandler spoke against the of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1575.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1575 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Benson, Blake, Buck, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 80.

Voting nay: Representatives Armstrong, Boldt, Bush, Chandler, Clements, Condotta, Ericksen, Kristiansen, McMahan, Mielke, Newhouse, Nixon, Pearson, Sehlin, Skinner and Woods - 16.

Excused: Representatives Bailey and Edwards - 2.

HOUSE BILL NO. 1575, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2329, By Representatives Dickerson, Kenney, Upthegrove, Delvin, Moeller, Edwards and Darneille

Revising provisions relating to mental health treatment for minors.

The bill was read the second time. There being no objection, Substitute House Bill No. 2329 was substituted for House Bill No. 2329 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2329 was read the second time.

Representative Carrell moved the adoption of amendment (832):

On page 3, beginning on line 23, strike all of section 4

Renumber the sections accordingly and correct the title

Representatives Carrell and Boldt spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of amendment (833):

On page 4, beginning on line 31, strike all of section 5

Renumber the sections accordingly and correct the title

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Dickerson, Delvin and Dickerson (again) spoke in favor of passage of the bill.

Representatives Carrell and Boldt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2329.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2329 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 80.

Voting nay: Representatives Boldt, Bush, Cairnes, Carrell, Chandler, Crouse, McMahan, McMorris, Mielke, Orcutt, Roach, Schindler, Sehlin, Shabro, Sump and Talcott - 16.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2329, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2381, By Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Morrell and Moeller

Ensuring the quality of degree-granting institutions of higher education.

The bill was read the second time. There being no objection, Substitute House Bill No. 2381 was substituted for House Bill No. 2381 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2381 was read the second time.

Representative Kenney moved the adoption of amendment (830):

On page 1, line 11, after "rules" strike "shall" and insert "may"

Representatives Kenney and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kenney, Cox and Flannigan spoke in favor of passage of the bill.

Representative McDonald spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2381.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2381 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives McDonald and McMahan - 2.

Excused: Representatives Bailey and Edwards - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2452, By Representatives Morris and Crouse

Regulating sites for construction and operation of unstaffed public or private electric utility facilities.

The bill was read the second time. There being no objection, Substitute House Bill No. 2452 was substituted for House Bill No. 2452 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2452 was read the second time.

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

Representatives Morris and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2452.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2452 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris,

Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2452, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2457, By Representatives Hatfield and Buck

Allowing title insurance companies to provide a guarantee covering its agents.

The bill was read the second time. There being no objection, Substitute House Bill No. 2457 was substituted for House Bill No. 2457 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2457 was read the second time.

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

Representatives Hatfield and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2457.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2457 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2457, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2462, By Representatives Quall, Haigh and Talcott

Providing for disposition of funds from teachers' cottages.

The bill was read the second time. There being no objection, Substitute House Bill No. 2462 was substituted for House Bill No. 2462 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2462 was read the second time.

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

Representatives Quall, McMahan and Hunter spoke in favor of passage of the bill.

POINT OF ORDER

Representative Anderson: "Mr. Speaker, we would like to take the opportunity ask the members to stick to the content of the underlying bill."

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "Your point is well taken. The Speaker would remind the members to speak to the content of the bill."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2462.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2462 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2462, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2498, By Representative Boldt

Revising funding constraints affecting the Washington WorkFirst program.

The bill was read the second time.

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

Representatives Boldt and Sommers spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2498.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2498 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

HOUSE BILL NO. 2498, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2510, By Representatives Conway, McCoy, Condotta, McMorris and Chase; by request of Employment Security Department

Modifying provisions concerning unemployment compensation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2510 was substituted for House Bill No. 2510 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2510 was read the second time.

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

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2510.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2510 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Bailey and Edwards - 2.

SUBSTITUTE HOUSE BILL NO. 2510, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 2553, By Representatives Pettigrew, Delvin and Dickerson; by request of Department of Social and Health Services

Revising the distribution of child support amongst multiple cases.

The bill was read the second time.

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

Representatives Pettigrew and Delvin spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representative Skinner was excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 2553.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2553 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2553, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2563, By Representatives Upthegrove, Jarrett, Schindler, Newhouse, Linville and Clibborn

Providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance.

The bill was read the second time.

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

Representatives Upthegrove and Jarrett spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2563.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2563 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2563, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2600, By Representatives Carrell, Lantz, Moeller, Flannigan, McMahan, Kirby, Newhouse and Lovick

Revising provisions concerning possession of firearms by persons found not guilty by reason of insanity.

The bill was read the second time. There being no objection, Substitute House Bill No. 2600 was substituted for House Bill No. 2600 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2600 was read the second time.

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

Representatives Carrell and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2600.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2600 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2600, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2627, By Representatives Lantz, Carrell and Rockefeller; by request of Administrative Office of the Courts

Revising the method for estimating the need for judicial positions.

The bill was read the second time.

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

Representative Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2627.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2627 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2627, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2628, By Representatives Kagi, Boldt, Dickerson, Delvin, Darneille, Pettigrew and Carrell

Revising provisions relating to public access to child in need of services and at-risk youth hearings.

The bill was read the second time.

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

Representative Kagi spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2628.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2628 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy,

McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2628, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2647, By Representatives Miloscia, Haigh, McDermott, Wallace, Chase, Linville and Rockefeller

Continuing the existence of the Washington quality award council.

The bill was read the second time.

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

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2647.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2647 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2647, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2652, By Representatives O'Brien, Ahern, Kagi, Darneille, G. Simpson, Campbell and Lovick

Making persons convicted of felony hit and run ineligible for fifty percent earned release credits.

The bill was read the second time. There being no objection, Substitute House Bill No. 2652 was substituted for House Bill No. 2652 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2652 was read the second time.

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

Representatives O'Brien and Ahern spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2652.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2652 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2652, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2663, By Representatives Haigh, Armstrong, McCoy, Holmquist, O'Brien, Boldt, Morrell, Jarrett, Wallace, Delvin, Moeller, Priest, Darneille, Conway, D. Simpson, Kagi, Hunter, Clements, Wood, Sullivan, Dickerson, G. Simpson, Hunt, Skinner, Cody, Ormsby, Chase, Hankins, Pettigrew, Kenney, Tom, Nixon, Kessler, Miloscia, Linville, Romero, Roach and Hudgins

Requiring use of respectful language in the Revised Code of Washington regarding individuals with disabilities.

The bill was read the second time.

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

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2663.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2663 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2663, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2669, By Representatives Moeller, Jarrett, Santos, Cox, Upthegrove, Newhouse, Chase, Lovick, Clibborn, Morrell, Wallace, Nixon, Wood, Kagi and McDermott

Establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices.

The bill was read the second time.

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

Representatives Moeller and Jarrett spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2669.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2669 and the bill passed the House by the following vote: Yeas - 69, Nays - 26, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Blake, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McMorris, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Anderson, Armstrong, Benson, Boldt, Buck, Bush, Chandler, Condotta, Cox, Darneille, Hinkle, Holmquist, Hunt, Kristiansen, Mastin, McIntire, McMahan, Mielke, Murray, Orcutt, Pearson, Roach, Rodne, Schoesler and Sump - 26.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2669, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 2669.

SHIRLEY HANKINS, 8th District

HOUSE BILL NO. 2696, By Representatives D. Simpson, Pearson, Cooper, Sump, Upthegrove and Chase

Creating a state parks centennial committee.

The bill was read the second time.

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

Representatives D. Simpson and Pearson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2696.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2696 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

HOUSE BILL NO. 2696, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2701, By Representatives Lovick, Delvin, O'Brien and Buck

Prohibiting weapons in restricted access areas of commercial service airports.

The bill was read the second time. There being no objection, Substitute House Bill No. 2701 was substituted for House Bill No. 2701 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2701 was read the second time.

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

Representatives Lovick and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2701.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2701 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Bailey, Edwards and Skinner - 3.

SUBSTITUTE HOUSE BILL NO. 2701, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2727, By Representatives D. Simpson, Benson and Schual-Berke; by request of Insurance Commissioner

Requiring all insurers to file credit based rating plans.

The bill was read the second time.

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

Representatives D. Simpson and Benson spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 2727.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2727 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Bailey, Edwards, Flannigan and Skinner - 4.

HOUSE BILL NO. 2727, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2846, By Representatives Sump, Cooper, Romero, Buck, Pearson, Holmquist, Jarrett, Wood and Woods

Creating the crime of unlawful use of a hook.

The bill was read the second time. There being no objection, Substitute House Bill No. 2846 was substituted for House Bill No. 2846 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2846 was read the second time.

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

Representatives Sump and Cooper spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2846.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2846 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Bailey, Edwards, Flannigan and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 2846, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2854, By Representatives Delvin, Lovick, O'Brien, Lantz and Bush

Revising provisions concerning seizure, forfeiture, and destruction of explosives.

The bill was read the second time.

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

Representatives Delvin and O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2854.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2854 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Bailey, Edwards, Flannigan and Skinner - 4.

HOUSE BILL NO. 2854, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2866, By Representatives Crouse, Sullivan and Wood

Authorizing the construction and operation of renewable energy projects by joint operating agencies.

The bill was read the second time.

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

Representatives Crouse and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2866.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2866 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Bailey, Edwards, Flannigan and Skinner - 4.

HOUSE BILL NO. 2866, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2875, By Representatives Upthegrove, Ruderman, Miloscia, Nixon, Tom, Eickmeyer, Santos, Ormsby, Kagi and Dickerson

Creating a task force to enhance youth voter education programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2875 was substituted for House Bill No. 2875 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2875 was read the second time.

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

Representatives Upthegrove and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2875.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2875 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Mastin - 1.

Excused: Representatives Bailey, Edwards, Flannigan and Skinner - 4.

SUBSTITUTE HOUSE BILL NO. 2875, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2891, By Representatives Grant and Mastin

Providing for withdrawal from and addition to a public utility district.

The bill was read the second time. There being no objection, Substitute House Bill No. 2891 was substituted for House Bill No. 2891 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2891 was read the second time.

Representative Delvin moved the adoption of amendment (848):

On page 5, beginning on line 3, strike all of Section 3.

Renumber sections and correct the title.

Representative Delvin spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Grant and Mastin spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representative Ahern was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2891.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2891 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2906, By Representatives Pettigrew, Voloria, McDonald, Priest, Hudgins, Skinner, Darneille, Eickmeyer, D. Simpson, McCoy, Wallace, Kessler, Schual-Berke, G. Simpson, Upthegrove, Wood, Kenney, Morrell, Ormsby and Conway

Increasing the funding for the linked deposit program for minority and women's business loans.

The bill was read the second time. There being no objection, Substitute House Bill No. 2906 was substituted for House Bill No. 2906 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2906 was read the second time.

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

Representative Pettigrew spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2906.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2906 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

SUBSTITUTE HOUSE BILL NO. 2906, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2908, By Representatives Mielke, O'Brien, Ahern, Pearson and Boldt

Strengthening accountability for salvage vehicles.

The bill was read the second time. There being no objection, Substitute House Bill No. 2908 was substituted for House Bill No. 2908 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2908 was read the second time.

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

Representatives Mielke and G. Simpson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2908.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2908 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

SUBSTITUTE HOUSE BILL NO. 2908, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2988, By Representatives Boldt, Clements, Pearson, Bailey and McMahan

Protecting the rights of foster parents.

The bill was read the second time. There being no objection, Substitute House Bill No. 2988 was substituted for House Bill No. 2988 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2988 was read the second time.

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

Representatives Boldt and Kagi spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2988.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2988 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

SUBSTITUTE HOUSE BILL NO. 2988, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3039, By Representatives Delvin, Boldt, Kagi and Kenney

Extending the period for evaluation for identification of long-term needs of children entering the foster care system.

The bill was read the second time. There being no objection, Substitute House Bill No. 3039 was substituted for House Bill No. 3039 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3039 was read the second time.

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

Representatives Delvin and Kagi spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3039.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3039 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

SUBSTITUTE HOUSE BILL NO. 3039, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3055, By Representatives Holmquist, Carrell and O'Brien

Providing uniformity for admissibility of alcohol tests.

The bill was read the second time. There being no objection, Substitute House Bill No. 3055 was substituted for House Bill No. 3055 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3055 was read the second time.

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

Representatives Holmquist, Lovick and Newhouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3055.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3055 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

SUBSTITUTE HOUSE BILL NO. 3055, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3094, By Representatives Ormsby, Cox, Haigh, Kagi, Priest, McCoy, Fromhold, Condotta, Chase, Upthegrove, Schual-Berke, Kenney and Morrell

Studying the expansion of high school skills centers.

The bill was read the second time.

Representative Hunter moved the adoption of amendment (805):

On page 1, line 16, after "(1)" strike everything through "2004" on page 2, line 20, and insert the following:

"The joint legislative audit and review committee shall conduct a study of the vocational skills centers in Washington's public K-12 educational system. The review shall include:

- (a) An update on the success of skills centers in assisting high school students prepare for future jobs, including the utilization of centers, the types of progress offered in the centers, and the placement of students;
- (b) An analysis of the annual fiscal resources available for these skills centers, including a breakdown of federal, state, local, and private funding;
- (c) A description and analysis of any conflicts between the resource requirements of these skills centers and those of the school districts that are part of the consortium supporting the skills centers; and
- (d) A description and analysis of those factors that both encourage and discourage student enrollments in the skills centers from participating school districts.

(2) At a minimum, the committee shall consult with local high school skills center consortia, the superintendent of public instruction, the state board for community and technical colleges, the work force training and education coordinating board, the state board for community and technical colleges, the state apprenticeship and training council, and the center for career and technical education.

(3) In conducting this study, the committee may select a sample of skills centers that reflect regional differences within the state. A report shall be submitted to the appropriate policy and fiscal committees of the legislature by March 15, 2005"

Representatives Hunter and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Ormsby, Hunt, McCoy, Wood, Cooper, Hinkle, Pettigrew and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 3094.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3094 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan, and Skinner - 5.

ENGROSSED HOUSE BILL NO. 3094, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hatfield congratulated Representative Ormsby on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

HOUSE JOINT MEMORIAL NO. 4028, By Representatives Schual-Berke, Ruderman, Kagi, Dickerson, Kenney, McDermott, Darneille, Pettigrew, Miloscia, Haigh, Chase, Edwards, Morrell, Conway, Clibborn, Fromhold and O'Brien

Requesting that funds be promptly disbursed to Holocaust survivors.

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4028 was substituted for House Joint Memorial No. 4028 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028 was read the second time.

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

Representatives Schual-Berke and Benson spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4028.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4028 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4041, By Representatives Clements, Skinner, Kenney, Hudgins, Santos and Hinkle

Requesting relief for the Aganda family of Selah, Washington.

The joint memorial was read the second time.

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

Representatives Clements and Veloria spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4041.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4041 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

HOUSE JOINT MEMORIAL NO. 4041, having received the necessary constitutional majority, was declared passed.

With the consent of the House, further action on HOUSE JOINT MEMORIAL NO. 4042 was deferred and the bill held its place on the second reading calendar.

HOUSE JOINT MEMORIAL NO. 4043, By Representatives Delvin, Hankins, Grant, Schoesler, Clements, Mastin, Cox, Skinner, Newhouse, Jarrett, Chandler, Clibborn and Kessler

Requesting the privatization of the department of energy's fast flux test facility complex.

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4043 was substituted for House Joint Memorial No. 4043 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4043 was read the second time.

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

Representatives Hankins and Morris spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4043.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4043 and the bill passed the House by the following vote: Yeas - 85, Nays - 8, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Chase, Dickerson, Hudgins, Hunter, Kirby, Romero, Santos and Upthegrove - 8.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4043, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1013, By House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan)

Requiring a performance audit of the utilities and transportation commission.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1013 was returned to second reading for purpose of amendment.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1013, By House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan)

Requiring a performance audit of the utilities and transportation commission.

With the consent of the House, amendment (837) was withdrawn.

Representative Morris moved the adoption of amendment (860):

On page 2, line 30, after "31," strike "2003" and insert "2004"

On page 2, line 33, after "December 1," strike "2004" and insert "2005"

On page 2, line 36, after "July 1," strike "2003" and insert "2004"

On page 2, at the beginning of line 37, strike "2004" and insert "2005"

On page 3, beginning on line 11, strike all of Sec. 4

Correct the title.

Representative Morris spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1013.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1013 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1013, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1072, By Representatives Haigh and Armstrong; by request of Legislative Ethics Board

Increasing options in ethics investigations.

The bill was read the third time.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1072.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1072 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

HOUSE BILL NO. 1072, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1583, By Representatives Kirby and Campbell

Changing requirements for issuing salary warrants for judges.

Representatives Kirby and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1583.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1583 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott,

McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan and Skinner - 5.

HOUSE BILL NO. 1583, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660, By House Committee on State Government (originally sponsored by Representatives McDermott, Armstrong and Dickerson)

Increasing accountability of ballot measure petitions.

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660 was returned to second reading for purpose of amendment.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660, By House Committee on State Government (originally sponsored by Representatives McDermott, Armstrong and Dickerson)

Increasing accountability of ballot measure petitions.

Representative McDermott moved the adoption of amendment (847):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.72.110 and 2003 c 111 s 1812 are each amended to read as follows:

Petitions for proposing measures for submission to the legislature at its next regular session must be substantially in the following form:

The warning prescribed by RCW 29A.72.140; followed by:

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure No. . . . and entitled (here set forth the established ballot title of the measure), a full, true, and correct copy of which is printed on the reverse side of this petition, be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

The petition must also include the following statement:

I,, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Signature

Print Name

Print Street Address

Print City, State, Zip Code

Sec. 2. RCW 29A.72.120 and 2003 c 111 s 1813 are each amended to read as follows:
Petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election must be substantially in the following form:

The warning prescribed by RCW 29A.72.140; followed by:

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No., entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

The petition must also include the following statement:

I,, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Signature

Print Name

Print Street Address

Print City, State, Zip Code

Sec. 3. RCW 29A.72.130 and 2003 c 111 s 1814 are each amended to read as follows:
Petitions ordering that acts or parts of acts passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, must be substantially in the following form:

The warning prescribed by RCW 29A.72.140; followed by:

PETITION FOR REFERENDUM

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No., filed to revoke a (or part or parts of a) bill that (concise statement required by RCW 29A.36.070) and that was passed by the legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

The petition must also include the following statement:

I, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Signature

Print Name

Print Street Address

Print City, State, Zip Code

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004."

Correct the title.

Representative McDermott spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives McDermott and Nixon spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representative Mastin was excused.

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1660.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1660 and the bill passed the House by the following vote: Yeas - 62, Nays - 30, Absent - 0, Excused - 6.

Voting yea: Representatives Benson, Blake, Bush, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 62.

Voting nay: Representatives Alexander, Anderson, Armstrong, Boldt, Buck, Cairnes, Campbell, Carrell, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sump, Talcott and Woods - 30.

Excused: Representatives Ahern, Bailey, Edwards, Flannigan, Mastin and Skinner - 6.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2545, and the bill was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 13, 2004, the 33rd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

THIRTY SECOND DAY, FEBRUARY 12, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 13, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christopher Wheeler and Jennifer Storvick. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Michael Fogaras, North Thurston Life Center of the Assemblies of God, Lacey.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4691, By Representatives McDonald, Morrell, Bush, Campbell, Darneille, Flannigan, Talcott, Carrell, Conway, Kirby, Roach and Shabro

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, The year 2004 marks the seventy-first annual Puyallup Valley Daffodil Festival; and

WHEREAS, The Puyallup Valley Daffodil Festival began in 1926 as a simple garden party in Sumner, and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The 2004 Puyallup Valley Daffodil Festival's events will take place over several days and will culminate in the April 17, 2004, Grand Floral Street Parade, winding its way through downtown Tacoma and on to the communities of Puyallup, Sumner, and Orting to the ongoing delight of children and adults of all ages; and

WHEREAS, The 2004 Puyallup Valley Daffodil Festival Royalty includes Princesses Hiedi Gummeringer, Washington High School; Amanda Sherve, Lincoln High School; Brianna Backus, Orting High School; Amy Holmquist, Fife High School; Leann Conley, Clover Park High School; Mallory Aldrich, Wilson High School; Rachael Norris, Sumner High School; Romelynn Eleno, Lakes High School; Samantha Ottoson, Rogers High School; Malia Jensen, Curtis High School; Janet Bautista, Franklin Pierce High School; E'Braune Crowder, Mount Tahoma High School; Alli O'Malley, Puyallup High School; Meghan Swanlund, Emerald Ridge High School; Cassie Bushnell, Spanaway Lake High School; Andrea Simmons, Henry Foss High School; Sarah York, Stadium High School; Rachel Abrahams, Eatonville High School; Alayna Melton, Bethel High School; and Sarah Stafford, Chief Leschi High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers over the past seventy-one years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2004 Puyallup Valley Daffodil Festival Officers and Members of the Festival Royalty.

HOUSE RESOLUTION NO. 4691 was adopted.

HOUSE RESOLUTION NO. 2004-4692, By Representatives Hankins and Delvin

WHEREAS, Athletics are effective means for girls to develop coordination, confidence, camaraderie, and leadership skills; and

WHEREAS, Achievement in sports contributes to personal growth, increased self-esteem, and the formation of important values such as teamwork, cooperation, communication, and initiative; and

WHEREAS, Perfect endings are hard to come by in team sports and to achieve one, a team needs a solid plan, an iron will, and a few breaks; and

WHEREAS, The Richland Bombers girls' soccer team players achieved a perfect ending by being the dominant girls' All-State soccer squad; and

WHEREAS, The Richland Bombers girls' soccer team players captured their third straight Big Nine district title with a 1-0 win over Kamiakin in November 2003 at Bomber Field giving Head Coach Chris Smith his fifth Big Nine district crown in nine seasons; and

WHEREAS, The Richland Bombers girls' soccer team players went on to win the 4A state championship in November 2003 with a 3-0 victory over Bellarmine Prep; and

WHEREAS, The Richland Bombers girls' soccer team players with Brittney Dugger, a senior forward, and Coach Smith leading the way, achieved a perfect 20-0 season to give Coach Smith his second career 4A Championship title since 1998 and Forward Dugger her first 4A Championship title; and

WHEREAS, Coach Smith who led his team to 35 wins in its past 36 games, including 22 straight in the Big Nine since 2001, received his second Herald coach-of-the-year honor since his 1998

squad, the last 4A team to finish a season undefeated, won the 4A crown behind current U.S. National team goalkeeper Hope Solo; and

WHEREAS, Forward Brittney Dugger, a two-year cocaptain who was able to deal well with pressure, and when double-and-triple-teamed would pass to other players, scored 22 goals last year, led the Big Nine this year with 27 goals and eight assists, and was named Herald All-Area Most Valuable Player for the second straight season; and

WHEREAS, The Richland Bombers girls' soccer team 4A Championship title came on the heels of the Richland boys' 4A title last spring, the first back-to-back titles by a school since the 4A class began in 1987; and

WHEREAS, Coach Smith paid the ultimate compliment to the Richland Bombers girls' soccer team players by saying that up and down the roster, the 2003 team might be the best to wear a Bombers uniform; and

WHEREAS, The Richland Bombers girls' soccer team players are Chanel Plaisted, Lyndsee Landon, Taylor Sinclair, Morgan Ingersoll, Ashley Hofferber, Kristy Gauthier, Caroline Hedel, Liz Silva, Alli Arnold, Hayley McCoy, Suzie Strickler, Kayla McKeirnan, Amber Murri, Lori Conrad, Laura Segall, RaeAnne Carneau, Stephanie Kinion, Alaina Pearson, Tai Swallow, Justine Jones, Ashley Dernbach, and Brittney Dugger; and

WHEREAS, Head Coach Chris Smith and Assistant Coaches Octavio Dovalle and Sara Elfering, through their leadership, trust, persistence, and discipline, became role models for their players; and

WHEREAS, The Richland Bombers girls' soccer team players have demonstrated to their classmates that through perseverance and hard work anything is possible; and

WHEREAS, The Richland Bombers girls' soccer team players are a credit to their community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Richland High School girls' soccer team for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families, friends, teachers, classmates, and community members of the Richland Bombers girls' soccer team players be recognized for their invaluable supportive role in assisting these star athletes achieve their ultimate success; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Head Coach Chris Smith, Assistant Coaches Octavio Dovalle and Sara Elfering, Principal Steve Neill, Athletic Director Dan Chubb, and the members of the Richland Bombers girls' soccer team.

HOUSE RESOLUTION NO. 4692 was adopted.

HOUSE RESOLUTION NO. 2004-4693, By Representatives Mielke, Orcutt and Boldt

WHEREAS, Ms. Rebecca Dewey, an esteemed resident of Battle Ground, Washington and an eighth grade student at Maple Grove Middle School, has achieved national recognition for exemplary volunteer service by receiving a 2004 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Rebecca Dewey earned this award by giving generously of her time and energy to organizing a daylong workshop to teach first aid skills to 150 fellow Girl Scouts; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Rebecca Dewey who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate and honor Ms. Rebecca Dewey as a recipient of a Prudential Spirit of Community Award, recognize her outstanding record of volunteer service, peer leadership, and community spirit, and extend best wishes for her continued success and happiness; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ms. Rebecca Dewey and Maple Grove Middle School.

HOUSE RESOLUTION NO. 4693 was adopted.

MESSAGES FROM THE SENATE

February 12, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5369,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536,
ENGROSSED SENATE BILL NO. 6180,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6210,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274,
ENGROSSED SENATE BILL NO. 6698,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 12, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5297,
SUBSTITUTE SENATE BILL NO. 5797,
SUBSTITUTE SENATE BILL NO. 6189,
SECOND SUBSTITUTE SENATE BILL NO. 6217,
SENATE BILL NO. 6237,
SUBSTITUTE SENATE BILL NO. 6242,
SENATE BILL NO. 6279,
SUBSTITUTE SENATE BILL NO. 6286,
SENATE BILL NO. 6356,
SUBSTITUTE SENATE BILL NO. 6496,
SUBSTITUTE SENATE BILL NO. 6501,
ENGROSSED SENATE BILL NO. 6623,
SUBSTITUTE SENATE BILL NO. 6682,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8032,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 12, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5255,
SENATE BILL NO. 5376,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112,
SENATE BILL NO. 6141,
SUBSTITUTE SENATE BILL NO. 6160,
SUBSTITUTE SENATE BILL NO. 6238,
SUBSTITUTE SENATE BILL NO. 6327,
SENATE BILL NO. 6336,
SUBSTITUTE SENATE BILL NO. 6454,
SENATE BILL NO. 6480,
SENATE BILL NO. 6577,
SENATE BILL NO. 6586,
SUBSTITUTE SENATE BILL NO. 6711,
SENATE JOINT MEMORIAL NO. 8040,
SENATE JOINT MEMORIAL NO. 8052,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 12, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5067,
SUBSTITUTE SENATE BILL NO. 5533,
SUBSTITUTE SENATE BILL NO. 6402,
SUBSTITUTE SENATE BILL NO. 6438,
SENATE BILL NO. 6650,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

THIRD READING

HOUSE BILL NO. 1670, By Representatives McDermott, Armstrong, Sommers, Haigh, Kessler, Nixon, Hatfield, Wood, Hunt, Tom, Wallace and Shabro

Adjusting the definition of "election cycle."

The bill was read the third time.

Representatives McDermott and Armstrong spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Santos, Representatives Edwards, Fromhold, Hunter, Kirby, McIntire, Schual-Berke and Sullivan were excused. On motion of Representative Clements, Representatives Benson, Chandler, Jarrett, Mastin, McDonald and Skinner were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1670.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1670 and the bill passed the House by the following vote: Yeas - 85, Nays - 0, Absent - 0, Excused - 13.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 85.

Excused: Representatives Benson, Chandler, Edwards, Fromhold, Hunter, Jarrett, Kirby, Mastin, McDonald, McIntire, Schual-Berke, Skinner, and Sullivan - 13.

HOUSE BILL NO. 1670, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2935, By Representatives Bailey, Cody, O'Brien and Edwards

Developing a schedule of fees for performing independent reviews of health care disputes.

The bill was read the second time.

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

Representatives Bailey and Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2935.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2935 and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 86.

Excused: Representatives Benson, Chandler, Edwards, Fromhold, Hunter, Kirby, Mastin, McDonald, McIntire, Schual-Berke, Skinner and Sullivan - 12.

HOUSE BILL NO. 2935, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 13, 2004

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5793,
SENATE BILL NO. 6234,
SUBSTITUTE SENATE BILL NO. 6255,
SUBSTITUTE SENATE BILL NO. 6266,
SUBSTITUTE SENATE BILL NO. 6457,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SUBSTITUTE SENATE BILL NO. 6531,
SUBSTITUTE SENATE BILL NO. 6676,
ENGROSSED SENATE BILL NO. 6692,
SENATE JOINT MEMORIAL NO. 8043,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

INTRODUCTION & FIRST READING

HB 3196 by Representatives Kristiansen, Ericksen, Schindler, Armstrong, Mielke, Condotta, Bailey, Ahern, McDonald, Roach, Shabro and Pearson

AN ACT Relating to reducing traffic congestion by making road construction to reduce traffic congestion the top priority of the state transportation system; amending RCW 36.120.160; adding new sections to chapter 47.10 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 43.09 RCW; adding new sections to chapter 46.68 RCW; adding a new section to chapter 47.05 RCW; and creating new sections.

Referred to Committee on Transportation.

SSB 5067 by Senate Committee on Highways & Transportation (originally sponsored by Senators Morton, Thibaudeau and Hale)

AN ACT Relating to exempting garbage trucks from stopping at a weighing station; and amending RCW 46.44.105.

Referred to Committee on Transportation.

ESB 5297 by Senators Horn and Haugen

AN ACT Relating to driver's license examinations; amending RCW 46.20.120 and 46.20.181; adding new sections to chapter 46.20 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

2SSB 5378 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Hewitt, T. Sheldon, Mulliken, Rasmussen and Hale)

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

E2SSB 5533 by Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Johnson, McAuliffe, Carlson, Keiser, Rasmussen and Kline)

AN ACT Relating to providing increased access to information on disciplinary actions taken against school employees; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Education.

SB 5597 by Senators Oke, T. Sheldon, Swecker, Thibaudeau, Carlson, Shin, Winsley, Spanel, Kline, Regala, Haugen, Jacobsen, Poulsen, B. Sheldon, Stevens, Keiser, Kohl-Welles and Rasmussen

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

Referred to Committee on Health Care.

SB 5744 by Senators Esser, Kline and Roach

AN ACT Relating to alcohol-related offenses; and amending RCW 10.05.140 and 46.20.720.

Referred to Committee on Judiciary.

SSB 5797 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette and Brandland)

AN ACT Relating to the timing of the inspection of adult family homes; and amending RCW 70.128.070.

Referred to Committee on Health Care.

SB 5869 by Senators T. Sheldon, Winsley, Eide, Schmidt, Prentice and Kline

AN ACT Relating to authorizing nonprofit corporations to participate in self-insurance risk pools; and amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.061, 48.62.071, 48.62.081, 48.62.091, 48.01.050, and 24.03.035.

Referred to Committee on Financial Institutions & Insurance.

SSB 6103 by Senate Committee on Commerce & Trade (originally sponsored by Senators Zarelli, Keiser, Rasmussen, Regala, Franklin, Kline, Deccio, Jacobsen and Fairley)

AN ACT Relating to making certain types of extreme fighting illegal; amending RCW 67.08.002 and 67.08.015; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 6108 by Senate Committee on Agriculture (originally sponsored by Senators Sheahan, Swecker, Rasmussen and Eide; by request of Department of Agriculture)

AN ACT Relating to applying pesticides; amending RCW 17.21.020, 17.21.126, 17.21.128, 17.21.132, 17.21.140, and 15.58.030; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

SSB 6109 by Senate Committee on Agriculture (originally sponsored by Senators Jacobsen, Swecker, Rasmussen, Oke, Esser, McAuliffe and Spanel; by request of Department of Agriculture)

AN ACT Relating to animal identification systems; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture & Natural Resources.

SB 6121 by Senators Johnson, Kline, McCaslin, Esser and Winsley

AN ACT Relating to filing a will under seal before the testator's death; and adding a new section to chapter 11.12 RCW.

Referred to Committee on Judiciary.

SB 6127 by Senators Swecker, Rasmussen, Mulliken, Winsley and McAuliffe; by request of
Department of Agriculture

AN ACT Relating to the from the heart of Washington program; adding a new chapter to Title
15 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6129 by Senate Committee on Higher Education (originally sponsored by Senators Carlson,
Horn and Schmidt)

AN ACT Relating to membership on the higher education coordinating board; and amending
RCW 28B.80.380.

Referred to Committee on Higher Education.

SB 6163 by Senators Johnson, Doumit, Pflug and Schmidt

AN ACT Relating to construction of school buildings in second class school districts; adding a
new section to chapter 39.10 RCW; and providing an expiration date.

Referred to Committee on Education.

SB 6164 by Senators B. Sheldon, Shin, Kastama, Oke, Swecker, Franklin, Winsley, Rasmussen,
Brown, Eide, Kohl-Welles, Haugen, Schmidt, Murray and McAuliffe

AN ACT Relating to allowing a student who is a military dependent to maintain residency
status if the person on active military duty is reassigned out-of-state; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

SSB 6171 by Senate Committee on Education (originally sponsored by Senators Benton, Kohl-Welles,
Carlson, Stevens, Johnson, Esser, T. Sheldon and Pflug)

AN ACT Relating to misconduct investigations conducted by the superintendent of public
instruction; amending RCW 28A.410.095; adding a new section to chapter 28A.410 RCW; and
prescribing penalties.

Referred to Committee on Education.

SSB 6189 by Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline, Esser
and Roach)

AN ACT Relating to receiverships; amending RCW 4.28.320, 6.32.100, 6.32.150, 7.08.010,
7.08.030, 7.56.110, 11.64.022, 23B.14.320, 24.06.305, 87.56.065, and 87.56.100; adding new
sections to chapter 7.60 RCW; adding a new section to chapter 31.12 RCW; adding a new section to
chapter 35.07 RCW; adding a new section to chapter 35A.15 RCW; creating new sections; and
repealing RCW 4.28.081, 6.25.200, 6.32.290, 6.32.300, 6.32.310, 6.32.320, 6.32.330, 6.32.340,
6.32.350, 7.08.020, 7.08.050, 7.08.060, 7.08.070, 7.08.080, 7.08.090, 7.08.100, 7.08.110,
7.08.120, 7.08.130, 7.08.140, 7.08.150, 7.08.170, 7.08.180, 7.08.190, 7.08.200, 7.60.010,
7.60.020, 7.60.030, 7.60.040, 7.60.050, 23.72.010, 23.72.020, 23.72.030, 23.72.040, 23.72.050,
23.72.060, 24.03.275, 24.03.280, 24.03.285, 24.03.310, 24.03.315, 24.03.320, 87.56.070,
87.56.080, 87.56.085, 87.56.090, 87.56.110, 87.56.120, 87.56.130, 87.56.135, 87.56.140,
87.56.145, 87.56.150, and 87.56.155.

Referred to Committee on Judiciary.

SSB 6216 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Rasmussen, Swecker, Doumit and Hargrove)

AN ACT Relating to defining timber land to include certain incidental uses; amending RCW 84.34.020; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

2SSB 6217 by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Prentice, Doumit, Berkey, Morton, Rasmussen, Hale, Jacobsen, Hargrove, Regala, Finkbeiner, T. Sheldon, Horn, Esser, Oke and Haugen)

AN ACT Relating to regulatory improvement; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on State Government.

SB 6237 by Senators Hewitt, Haugen, Mulliken, Rasmussen and Parlette

AN ACT Relating to providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance; and amending RCW 36.70A.177.

Referred to Committee on Local Government.

SSB 6242 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Parlette and Berkey)

AN ACT Relating to establishing a statewide strategy for land acquisitions and disposal; and creating a new section.

Referred to Committee on Capital Budget.

SB 6250 by Senators Pflug, Fraser, Winsley, Regala, Carlson, Keiser and Murray; by request of Select Committee on Pension Policy

AN ACT Relating to allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation; and amending RCW 41.32.010.

Referred to Committee on Appropriations.

SSB 6266 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators B. Sheldon, McAuliffe, Shin, Berkey, Fairley, Kline, Kohl-Welles, Thibaudeau, Eide, Keiser, Spanel, Franklin and Jacobsen)

AN ACT Relating to kindergarten; reenacting and amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Children & Family Services.

SB 6279 by Senators Murray, Parlette, Carlson, Roach, Kohl-Welles and Rasmussen; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.470; and creating a new section.

Referred to Committee on Appropriations.

SSB 6286 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Morton)

AN ACT Relating to heating oil tank liability protection; amending RCW 70.149.040, 70.149.070, and 70.149.080; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SSB 6302 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Murray, Schmidt, Rasmussen, Roach, Kastama, Winsley, Haugen and Oke)

AN ACT Relating to persons ordered to active military service; adding a new section to chapter 38.40 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SB 6315 by Senators Kohl-Welles, Carlson, Shin, Schmidt and Pflug

AN ACT Relating to institutions of higher education; and amending RCW 28B.10.569, 28B.45.010, 28B.45.020, 28B.45.0201, 28B.45.030, 28B.45.040, 28B.45.050, 28B.80.450, 28B.80.510, 34.05.514, and 43.105.820.

Referred to Committee on Higher Education.

SB 6356 by Senators Honeyford and Rasmussen

AN ACT Relating to physician assistants executing a certain certificate for labor and industries; adding a new section to chapter 51.28 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SSB 6367 by Senate Committee on Land Use & Planning (originally sponsored by Senators Haugen, Spanel and Winsley)

AN ACT Relating to protecting the integrity of national historical reserves in the urban growth area planning process; and amending RCW 36.70A.110.

Referred to Committee on Local Government.

SSB 6391 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford and T. Sheldon)

AN ACT Relating to establishing priorities for the industrial insurance system; adding a new section to chapter 51.04 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

ESSB 6395 by Senate Committee on Commerce & Trade (originally sponsored by Senator Honeyford)

AN ACT Relating to applications for compensation under the industrial insurance system; amending RCW 51.28.010, 51.28.055, 51.28.040, and 51.32.160; and adding a new section to chapter 51.28 RCW.

Referred to Committee on Commerce & Labor.

SSB 6402 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Rasmussen, Winsley, Keiser and Kohl-Welles)

AN ACT Relating to giving landlords the flexibility to deposit landlord trust account funds in any financial institution; and amending RCW 59.18.270 and 59.20.170.

Referred to Committee on Financial Institutions & Insurance.

SSB 6414 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Rasmussen and Esser)

AN ACT Relating to industrial insurance fund audits; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce & Labor.

SSB 6428 by Senate Committee on Commerce & Trade (originally sponsored by Senator Honeyford)

AN ACT Relating to the role of the department of labor and industries in regards to health care providers; amending RCW 51.36.110; and adding a new section to chapter 51.52 RCW.

Referred to Committee on Commerce & Labor.

SSB 6438 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker, Oke and Esser)

AN ACT Relating to vessel registration enforcement; adding a new section to chapter 82.49 RCW; adding a new section to chapter 88.02 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SSB 6442 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Prentice, Parlette, Regala, Hargrove, Hewitt, Winsley, B. Sheldon, Esser, Fraser, Eide, Hale, Kline, Brandland, Fairley, Schmidt, Stevens, Johnson, McCaslin, Carlson, Horn, Benton, Mulliken, Roach, McAuliffe, Murray, Rasmussen, Oke and Pflug)

AN ACT Relating to the developmental disabilities community trust account; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 71A.20 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

SB 6461 by Senators Hewitt, Honeyford, Mulliken and Morton

AN ACT Relating to requiring the department of labor and industries to report on setting workers' compensation premiums; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 6491 by Senators Roach, Hale, Kastama, McCaslin, Berkey and Murray; by request of Governor Locke

AN ACT Relating to providing venue for administrative rule challenges in Spokane, Yakima, and Bellingham for residents of those appellate districts; and amending RCW 34.05.570.

Referred to Committee on Judiciary.

SSB 6494 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Mulliken, Roach and Kline)

AN ACT Relating to prohibiting the use of social security numbers by health carriers and state health care programs; amending RCW 70.47.130; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

SSB 6496 by Senate Committee on Judiciary (originally sponsored by Senators Schmidt and Eide; by request of Administrative Office of the Courts)

AN ACT Relating to confidential court records; adding a new section to chapter 2.28 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SSB 6501 by Senate Committee on Higher Education (originally sponsored by Senators Carlson, Kohl-Welles, Pflug, Jacobsen, Schmidt, Rasmussen, Shin, Winsley and McAuliffe; by request of State Board for Community and Technical Colleges)

AN ACT Relating to instructional materials for students with disabilities; adding a new section to chapter 28B.10 RCW; and prescribing penalties.

Referred to Committee on Higher Education.

SB 6516 by Senators Zarelli, Mulliken, Kastama, Hargrove, Swecker, Schmidt, Benton, Honeyford, Sheahan, Stevens, Prentice, Roach and Rasmussen

AN ACT Relating to tax exemptions for church and church camp property; amending RCW 84.36.020 and 84.36.030; and creating a new section.

Referred to Committee on Finance.

SSB 6575 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford and Sheahan)

AN ACT Relating to classifications for irrigation district conveyance and drainage facilities; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

SB 6593 by Senators Prentice, Carlson, Keiser, T. Sheldon and Winsley

AN ACT Relating to prohibiting discrimination against consumers' choices in housing; amending RCW 35.63.160; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; creating a new section; and providing an effective date.

Referred to Committee on Local Government.

ESB 6623 by Senator Prentice

AN ACT Relating to insurable interests and employer-owned life insurance; amending RCW 48.18.010, 48.18.030, and 48.18.060; adding new sections to chapter 48.18 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SSB 6636 by Senate Committee on Agriculture (originally sponsored by Senators Rasmussen, Swecker, Jacobsen, Brandland, Doumit, Fairley, Kohl-Welles, Eide, Fraser, Regala, Shin, Prentice, Honeyford, Kline, Thibaudeau, Poulsen, Spanel, Franklin, Keiser, Winsley, Oke and Esser)

AN ACT Relating to the disposal of animals; adding a new chapter to Title 16 RCW; creating a new section; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

SB 6643 by Senators Stevens, Hargrove, Schmidt and Carlson

AN ACT Relating to family visitation for dependent children; and amending RCW 13.34.136.

Referred to Committee on Children & Family Services.

SB 6650 by Senators Keiser and Hewitt; by request of Department of Labor & Industries

AN ACT Relating to providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work; amending RCW 70.87.240; adding a new section to chapter 70.87 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 6655 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, Keiser and Rasmussen)

AN ACT Relating to certificates of approval for authorized representatives of beer and wine manufacturers and distributors; amending RCW 66.04.010, 66.24.200, 66.24.203, 66.24.206, 66.24.230, 66.24.250, 66.24.261, 66.24.270, 66.28.010, 66.28.030, 66.28.040, 66.28.042, 66.28.043, 66.28.150, 66.28.155, 66.28.160, 66.28.170, 66.28.180, and 19.126.020; and providing an effective date.

Referred to Committee on Commerce & Labor.

SSB 6682 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senator Sheahan)

AN ACT Relating to regional programs for the recovery of fish runs listed under the federal endangered species act; and adding a new chapter to Title 77 RCW.

Referred to Committee on Fisheries, Ecology & Parks.

SSB 6688 by Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Benton, B. Sheldon, T. Sheldon, Rasmussen and Shin)

AN ACT Relating to a special "Helping Kids Speak" license plate; amending RCW 46.16.313 and 46.16.316; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SSJM 8032 by Senate Committee on Economic Development (originally sponsored by Senators Schmidt, T. Sheldon, Shin, Hale, B. Sheldon and McAuliffe)

Urging Congress to fully restore funding for the manufacturing extension partnership program.

Referred to Committee on Trade & Economic Development.

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

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

SECOND READING

HOUSE BILL NO. 3045, By Representatives Veloria, Skinner, Dunshee, Kenney, Campbell, Haigh, McDermott, Hankins, Miloscia, Kirby, Lovick, Sullivan, G. Simpson, Rockefeller, Cooper, Santos, Cairnes, Benson, Eickmeyer, Murray, Jarrett, Mastin, Grant, Anderson, Cody, Upthegrove, Chase, Morrell, Tom and O'Brien

Directing the board of natural resources to exchange certain common school trust land.

The bill was read the second time.

Representative Orcutt moved the adoption of the following amendment (831):

On page 1, line 6, before "board" strike "The" and insert

"(1) Unless the board chooses to implement subsection (2) of this section, the"

On page 1, line 10, after "purposes." insert:

"(2) The board may harvest sufficient timber from charitable, educational, penal, and reformatory institution trust lands for that trust to purchase the "Hats" and Boots" parcel from the common school trust lands.
(3)"

On page 1, line 11, strike "exchanged"

On page 1, line 13, after "exchange" insert "under subsection (1) of this section or purchase under subsection (2) of this section"

Representatives Orcutt and Alexander spoke in favor of adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Cox moved the adoption of the following amendment (867):

On page 1, line 6, before "The" insert "(1)"

On page 1, after line 13, insert:

"(2) The board and department shall not purchase productive agriculture land in this state unless the land has been advertised for at least ninety days through a Washington state real estate brokerage firm."

POINT OF ORDER

Representative Hunt requested a scope and object ruling on amendment (867) to House Bill No. 3045.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "House Bill No. 3045 is entitled "AN ACT relating to public lands". The bill requires the exchange of the "Hats and Boots" parcel with other trust land of equal value, and requires that the "Hats and Boots" parcel be leased to the State Board for Community and Technical Colleges for \$1 a year.

Amendment (867) places restrictions on the Department's purchase of agricultural land.

While the title of the bill is broad, its purpose is limited solely to the exchange and lease rate of a specific parcel of land.

The amendment is unrelated to that parcel and is therefore beyond the scope and object of the bill.

Representative Hunt, your point is well taken."

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

Representatives Veloria spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3045.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3045 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative DeBolt - 1.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 3045, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2298, By Representatives Linville, Schoesler, Kenney, McDonald, Hunt, G. Simpson, Haigh, Shabro, Morrell, Clibborn, Hudgins and Benson; by request of Department of Agriculture

Preventing the spread of animal diseases.

The bill was read the second time. There being no objection, Substitute House Bill No. 2298 was substituted for House Bill No. 2298 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2298 was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2298.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2298 and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Armstrong, Blake, Chandler, Clements, Condotta, Cox, Delvin, Hatfield, Hinkle, Holmquist, McMorris, Newhouse, Schoesler and Sump - 14.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2298, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2299, By Representatives Linville, Schoesler, Kenney, McDonald, Hunt, G. Simpson, Haigh, Shabro, Morrell, Clibborn, Newhouse, Clements, Hudgins and Benson; by request of Department of Agriculture

Establishing a system of animal identification.

The bill was read the second time. There being no objection, Substitute House Bill No. 2299 was substituted for House Bill No. 2299 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2299 was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2299.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2299 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2299, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2802, By Representatives Schoesler, Linville, Romero, Grant, Shabro, Schual-Berke, Rockefeller, Flannigan, Alexander, Hudgins, Anderson, Ruderman, Sump, Murray, Boldt, Darneille, Clements, Dickerson, Newhouse, Hunt, Lantz, McDermott, Kenney, Haigh, Clibborn, Kristiansen, Holmquist, Quall, O'Brien, Eickmeyer, Woods, Buck, Bailey, Kessler, G. Simpson, Morrell, Wallace, Lovick, Edwards, Benson, Pearson, Nixon, Armstrong, Hinkle, Wood, Moeller, Ahern, Roach, Cooper, McCoy, Cody, Conway, Kagi, Ormsby, Skinner, McMorris, Campbell, Sullivan, Chase, Santos and Condotta

Establishing penalties for trading in nonambulatory livestock.

The bill was read the second time. There being no objection, Substitute House Bill No. 2802 was substituted for House Bill No. 2802 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2802 was read the second time.

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

Representatives Schoesler and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2802.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2802 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2802, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2929, By Representatives Schoesler, Grant, Chandler, Linville, Delvin, Cairnes, Sump, Mastin, Newhouse, Morris, Holmquist, Ericksen, McDonald, Clements, Conway, Condotta, Hinkle, Skinner, Armstrong, Kristiansen, Hatfield, Kirby, Sullivan, Pearson, Shabro and Hankins

Suspending business and occupation taxation on certain businesses impacted by the ban on American beef products.

The bill was read the second time. There being no objection, Substitute House Bill No. 2929 was substituted for House Bill No. 2929 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2929 was read the second time.

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

Representatives Schoesler, McIntire and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2929.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2929 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2929, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2545, By Representatives Condotta, Chase, Armstrong, Sump, Hunt, Chandler, Newhouse, Hinkle, Kristiansen, Holmquist, Clements, Schoesler and Skinner

Clarifying the meaning of ongoing agricultural activities.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (846):

On page 2, line 23, after "(ii)" strike all material through "infestations." on line 28 and insert "Outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land, shall be allowed as an ongoing agricultural activity under this section if a local horticultural pest and disease board formed under chapter 15.09 RCW, an extension office agent with Washington State University that has horticultural experience, or an entomologist employed by the department of agriculture, has determined in writing that burning is an appropriate method to prevent or control the spread of horticultural pests or diseases."

Representatives Condotta and Cooper spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Condotta, Eickmeyer, Armstrong, Cooper, Hinkle, Chase, Shabro, Bush and Hunt spoke in favor of passage of the bill.

Representatives Upthegrove and Schual-Berke spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2545.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2545 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Rockefeller, Schual-Berke and Upthegrove - 3.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED HOUSE BILL NO. 2545, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Anderson congratulated Representative Condotta on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2489, By Representatives Cooper, Condotta, Anderson, Nixon, Upthegrove, Priest, Dunshee, Moeller and Armstrong

Concerning nonhighway and off-road vehicles.

The bill was read the second time. There being no objection, Substitute House Bill No. 2489 was substituted for House Bill No. 2489 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2489 was read the second time.

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

Representatives Cooper and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2489.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2489 and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Boldt, Delvin, Ericksen, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Orcutt, Pearson and Roach - 12.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2489, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2356, By Representatives Hinkle, Buck, Condotta, O'Brien, Pearson and Shabro

Allowing off-road vehicles on nonhighway roads.

The bill was read the second time. There being no objection, Substitute House Bill No. 2356 was substituted for House Bill No. 2356 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2356 was read the second time.

With the consent of the House, amendments (790) and (773) were withdrawn.

Representative Cooper moved the adoption of amendment (838):

On page 1, line 9, strike "the growing popularity of ORV use and"

On page 1, line 9, after "amount of ORV" strike "trails" and insert "recreation areas"

Representative Cooper spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hinkle moved the adoption of amendment (806):

On page 1, line 12, after "nonhighway" strike "and unpaved"

On page 1, line 16, after "roads" insert "they own and manage or for which they are authorized to allow public ORV use under an easement granted by the owner"

On page 5, line 7, before "helmet" insert "motorcycle"

On page 5, line 8, after "section," strike all material through "that" on line 8 and insert "\"motorcycle helmet\" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with a sticker indicating that the motorcycle helmet"

On page 5, line 18, strike "unless" and insert "when"

On page 5, line 19, after "authorities," strike "prohibits" and insert "authorizes"

Representative Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hinkle, Cooper and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2356.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2356 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2919, By Representatives Condotta, Cooper and Hinkle

Adjusting ORV fees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2919 was substituted for House Bill No. 2919 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2919 was read the second time.

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

Representatives Condotta and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2919.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2919 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh,

Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 80.

Voting nay: Representatives Blake, Cairnes, Carrell, Crouse, Delvin, Ericksen, Holmquist, Kristiansen, McDonald, McMahan, Mielke, Orcutt, Pearson, Roach, Schindler and Talcott - 16.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2919, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2556, By Representatives O'Brien, Kagi, Carrell, Upthegrove, Miloscia, Lovick and Moeller

Studying criminal background check processes.

The bill was read the second time. There being no objection, Substitute House Bill No. 2556 was substituted for House Bill No. 2556 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2556 was read the second time.

With the consent of the House, amendment (825) was withdrawn.

Representative O'Brien moved the adoption of amendment (871):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that criminal history record information background checks for employment purposes are rapidly increasing in Washington state. While the demand for criminal history record information background checks is growing, the existing criminal history record information background check data transmission infrastructure and processes are not adequate to keep pace with the growing demand. Furthermore, employers are concerned with the current system's ability to quickly secure results. Without adequate data transmission infrastructure and processes to encourage efficient criminal history record information background checks and to receive results quickly, a public safety risk is created. This is especially true when new or prospective employees will be working with children.

The legislature has learned that some states have recently developed comprehensive criminal history record information background check programs. These programs focus on making criminal history record information background checks easily accessible to employers and prospective employees and have eliminated long response times.

NEW SECTION. Sec. 2. (1) A joint task force on criminal background check processes is established. The joint task force shall consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate; at least one member from each caucus shall be a member of the senate children and family services and corrections committee;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; at least one member from each caucus shall be a member of the house criminal justice and corrections committee;

(c) The chief of the Washington state patrol, or the chief's designee;

(d) The secretary of the department of social and health services, or the secretary's designee;

(e) The state superintendent of public instruction, or the superintendent's designee;

(f) An elected sheriff or police chief, selected by the Washington association of sheriffs and police chiefs; and

(g) The following seven members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) A representative from a nonprofit service organization that serves primarily children under sixteen years of age;

(ii) A health care provider as defined in RCW 7.70.020;

- (iii) A representative from a business or organization that serves primarily developmentally disabled persons or vulnerable adults;
 - (iv) A representative from a local youth athletic association;
 - (v) A representative from the insurance industry; and
 - (vi) Two representatives from a local parks and recreation program; one member shall be selected by the association of Washington cities and one member shall be selected by the Washington association of counties.
- (2) The task force shall choose two cochairs from among its membership.
- (3) The task force shall review and make recommendations to the legislature and the governor regarding the criminal background check process. In preparing the recommendations, the committee shall, at a minimum, review the following issues:
- (a) What state and federal statutes require regarding criminal background checks;
 - (b) What criminal offenses are currently reportable through the criminal background check program;
 - (c) What information is available through the Washington state patrol and the federal bureau of investigation criminal background check systems;
 - (d) What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers;
 - (e) What is the feasibility and costs for businesses and organizations to do periodic background checks;
 - (f) What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, developmentally disabled persons, or vulnerable adults; and
 - (g) A review of the benefits and obstacles of implementing a criminal history record information background check program created by the national child protection act of 1993. The national child protection act of 1993 increases the availability of criminal history record information background checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities.
- (4) The task force, where feasible, may consult with individuals from the public and private sector.
- (5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

NEW SECTION. Sec. 3. (1) In consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs shall conduct a study on criminal history record information background check technology and process. The study shall focus on how Washington state can reduce delays in the criminal history record information background check processing time and how Washington state can make criminal history record information background checks more accessible and efficient.

- (2) The study shall include, but is not limited to:
- (a) A review and analysis of the criminal history record information background check programs in states that have recently implemented or are soon to implement comprehensive criminal history record information background check programs;
 - (b) Recommendations on how a comprehensive criminal history record information background check program should be designed in Washington state, and how much a comprehensive program would cost to implement in Washington state;
 - (c) A review of how a comprehensive criminal history record information background check program could be paid for in Washington state, which includes a determination on whether the program could be funded solely by user fees.

NEW SECTION. Sec. 4. (1) The findings and recommendations from the Washington association of sheriffs and police chiefs shall be presented to the joint task force no later than November 30, 2004.

- (2) The joint task force on criminal background check processes shall report its findings and recommendations to the legislature by December 31, 2004.

NEW SECTION. Sec. 5. This act expires January 31, 2005."

Correct the title.

Representative O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2556.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2556 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4042, By Representatives Linville, Jarrett, Hunt, Chase, Schual-Berke, Kenney and Rockefeller; by request of Superintendent of Public Instruction

Requesting changes in the No Child Left Behind Act.

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4042 was substituted for House Joint Memorial No. 4042 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4042 was read the second time.

Representative Linville moved the adoption of amendment (869):

On page 2, line 8, after "Act" strike "mandates" and insert "imposes additional costs for"

Representatives Linville and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Santos moved the adoption of amendment (850):

On page 2, line 10, after "paraprofessionals; and" insert "WHEREAS, the definition of a "highly qualified teacher" in the act fails to recognize the contributions of business and industry-trained career and technical education teachers and will increase the difficulty in recruiting and retaining these qualified, skilled teachers; and"

Representatives Santos and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted. The joint memorial was ordered engrossed.

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

Representatives Linville, Talcott and Jarrett spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Joint Memorial No. 4042.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Memorial No. 4042 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4042, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1230, By Committee on Financial Institutions & Insurance (originally sponsored by Representatives G. Simpson, Benson, Schual-Berke, Conway, Cooper, Ruderman and Rockefeller; by request of Insurance Commissioner)

Regulating insurable interests and employer-owned life and disability insurance.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1230 was substituted for Engrossed Substitute House Bill No. 1230 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1230 was read the second time.

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

Representatives G. Simpson and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1230.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1230 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1230, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT RESOLUTION NO. 4205, By Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase

Changing the membership of the commission on judicial conduct.

The joint resolution was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Resolution No. 4205.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4205 and the joint resolution was adopted by the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE JOINT RESOLUTION NO. 4205 having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1333, By Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase

Changing the membership of the commission on judicial conduct.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 4th Day, January 15, 2004.)

The bill was ordered engrossed.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1333.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1333 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED HOUSE BILL NO. 1333, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1369, By Representatives Romero and Alexander

Requiring continuing education for land surveyors.

The bill was read the second time. There being no objection, Substitute House Bill No. 1369 was substituted for Engrossed House Bill No. 1369 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1369 was read the second time.

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

Representatives Romero and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1369.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1369 and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Ahern, Bush, Ericksen, McMahan, Mielke, Nixon and Orcutt - 7.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1369, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1667, By Representatives Conway, Hankins, Kenney, Crouse, Kirby, Delvin, Hudgins, Lantz, Sullivan, McCoy and Campbell

Clarifying local government land use and zoning powers over gambling activities.

The bill was read the second time.

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

Representatives Conway, Hankins, Shabro and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1667.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1667 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 1667, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1746, By Representatives Alexander, Conway, DeBolt, Chandler and G. Simpson

Requiring electrical contractors to be licensed before advertising.

The bill was read the third time.

Representatives Alexander and Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1746.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1746 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 1746, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

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

SECOND READING

HOUSE BILL NO. 2771, By Representatives Sommers, Lantz, Cody, Nixon, Morrell, Hankins, Tom, Kirby, Delvin, Mielke, Pearson, McMahan, Moeller, Dickerson, McIntire, Kenney, Kessler, Conway, Darneille, Sullivan, Schual-Berke, Kagi and Ormsby

Prohibiting cyberstalking.

The bill was read the second time. There being no objection, Substitute House Bill No. 2771 was substituted for House Bill No. 2771 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2771 was read the second time.

Representative Ruderman moved the adoption of amendment (875):

On page 1, line 10, after "person," insert "and under circumstances not constituting telephone harassment,"

On page 1, line 10, after "makes" strike "a" and insert "an electronic"

On page 1, beginning on line 11, after "party" strike all material through "internet" on line 12

On page 2, line 15, after "received." insert the following:

"(5) For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, electronic mail, internet based communications, pager service, and electronic text messaging."

Representatives Ruderman and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Sommers spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2771.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2771 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2339, By Representatives Morris, Ericksen, Linville, Quall, Condotta, Wood, Conway, Sullivan, Mielke, Armstrong, Boldt, Orcutt, Newhouse, Hinkle and Hudgins

Providing tax relief for aluminum smelters.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2339 was substituted for House Bill No. 2339 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2339 was read the second time.

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

Representatives Morris, Condotta, Linville, Ericksen, Conway, Orcutt, Morris (again), Armstrong and Ahern spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2339.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2339 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Jarrett, Moeller, Nixon, Romero and Tom - 5.

Excused: Representative Edwards - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2339, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2364, By Representatives Kagi, O'Brien, Clibborn, Santos, Dickerson, Schual-Berke, Morrell, Edwards and Hudgins

Regulating homeowner's insurance.

The bill was read the second time.

Representative Kagi moved the adoption of amendment (891):

On page 1, line 9, after "policy" strike ", based in whole or in part on the fact" and insert "for the principal reason"

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kagi, Benson and Schual-Berke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2364.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2364 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 2364, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2456, By Representatives McDonald, Lantz, Carrell, Bush, Pearson, Ahern, Haigh, Armstrong, Talcott, Shabro, Holmquist, Kristiansen, Anderson, Chase, Moeller, Morrell and Woods

Establishing provisions for disclosure of sexual misconduct by applicants for school district employment.

The bill was read the second time. There being no objection, Substitute House Bill No. 2456 was substituted for House Bill No. 2456 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2456 was read the second time.

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

Representatives McDonald, Quall and Bush spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2456.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2456 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2456, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2478, By Representatives Cooper, Sump, Hinkle and Chase

Concerning underground petroleum storage tanks.

The bill was read the second time. There being no objection, Substitute House Bill No. 2478 was substituted for House Bill No. 2478 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2478 was read the second time.

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

Representatives Cooper and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2478.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2478 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick,

Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2478, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2513, By Representatives Hudgins, Holmquist and Pettigrew

Regulating interior designers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2513 was substituted for House Bill No. 2513 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2513 was read the second time.

Representative Hudgins moved the adoption of amendment (890):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to safeguard human health, safety, and property, and to promote public welfare, any person in either a public or private capacity using the title of interior designer shall be required to submit evidence that he or she is qualified under the provisions of section 3 of this act.

NEW SECTION. Sec. 2. As used in this chapter, unless the context otherwise requires:

(1) "Department" means the department of licensing.

(2) "Interior design" means client consultation and the preparation and administration of design documents, including design studies, drawings, schedules, specifications, and contracts relating to the nonstructural and nonseismic interior elements of a building or structure. "Nonstructural and nonseismic interior elements" includes but is not limited to ceilings and partition systems. "Interior design" includes but is not limited to preparation of working drawings and specifications for nonload bearing interior construction, reflected ceiling plans, detailing, materials, finishes, space planning, furnishing, fixtures, and equipment, in compliance with universal accessibility and guidelines and all applicable codes.

(3) "Interior designer" means a person registered under this chapter who is a registered design professional qualified by education, experience, and examination to affect the function, safety, and quality of interior spaces.

(4) "Reflected ceiling plan" means a ceiling design drawing that includes the locations of lighting fixtures and specifications of ceiling materials, finishes, or other ceiling elements.

(5) "Registration" means the certificate of registration issued by the department to an interior designer under this chapter.

(6) "Space planning" means the analysis of spatial and occupancy requirements, including but not limited to preliminary space, final space, furnishing, fixture, and equipment plans.

NEW SECTION. Sec. 3. (1) An applicant may qualify for registration as an interior designer if the applicant pays any applicable fee established by the department and shows to the satisfaction of the department that the applicant:

(a)(i) Has a current certificate number issued by the national council for interior design qualification; and

(ii) Has six years combined work experience and formal education in interior design. At a minimum, there must be two years of formal education in interior design; or

(b) Provides the department, by July 1, 2007, with proof of fifteen years of work experience as an interior designer and either two years of formal education in interior design or a current certificate number issued by the national council for interior design qualification prior to the effective date of this section.

(2) The department may also grant registration by reciprocity. An applicant applying to the department for registration by reciprocity must furnish satisfactory evidence that the applicant meets both of the following requirements:

- (a) Holds a valid registration or license issued by another registration authority recognized by the department, where the qualifications for registration or licensure are substantially equivalent to those required by this chapter on the date of original registration or licensure with the other registration authority; and
- (b) Holds a current certificate number issued by the national council for interior design qualification.
- (3) The department must develop by rule, in consultation with professional organizations representing interior design, the necessary forms to use in verifying education and work experience for registration.

NEW SECTION. Sec. 4. The department must grant a certificate of registration to an applicant who meets the requirements of section 3 of this act beginning July 1, 2005.

NEW SECTION. Sec. 5. (1) The renewal date for certificates of registration shall be set by the director in accordance with RCW 43.24.086. An interior designer who fails to pay the renewal fee within thirty days of the due date shall pay all delinquent fees plus a penalty fee equal to one-third of the renewal fee. An interior designer who fails to pay a renewal fee for a period of five years may be reinstated under such circumstances as the department determines. The renewal and penalty fees and the frequency of renewal assessment must be adopted by the department by rule.

(2) An interior designer in good standing may withdraw from the practice of interior design by giving written notice to the department, and may within five years thereafter resume active practice upon payment of the then-current renewal fee. An interior designer may be reinstated after a withdrawal of more than five years under such circumstances as the department determines by rule.

(3) An interior designer registered under this chapter must complete one continuing education unit, equal to ten hours of continuing education instruction, every two years. The department, in consultation with professional organizations representing interior design, must develop a form to verify continuing education.

NEW SECTION. Sec. 6. The director may issue a new certificate of registration to replace a lost, destroyed, or mutilated certificate. The director must charge a fee as determined by RCW 43.24.086 for the issuance of the new certificate.

NEW SECTION. Sec. 7. Beginning July 1, 2007, a person may not use the title "interior designer" in this state or any other title, designation, sign, card, or device indicating that the person is an interior designer unless he or she is registered under the provisions of this chapter. Every holder of a certificate of registration under this chapter must display it in a conspicuous place in the holder's principal office, place of business, or employment. No corporation, firm, partnership, or association may be granted a certificate of registration under this chapter. This chapter does not prevent any individual from offering or providing interior design services provided they do not use the title "interior designer."

NEW SECTION. Sec. 8. (1) A design document issued by an interior designer registered under this chapter must be signed, sealed, and dated by him or her. An interior designer must include the designer's registration number on all design documents issued by the interior designer when filed with public authorities. An interior designer must personally prepare or supervise the preparation of any design document that is signed and sealed by the interior designer or that lists the interior designer's registration number.

(2) The department, in consultation with professional organizations representing interior design, must develop by rule the seal to be used by interior designers registered by the state.

NEW SECTION. Sec. 9. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 10. (1) A person who violates a provision of this chapter or a rule adopted under it is guilty of a misdemeanor and may also be subject to a civil penalty in an amount not to exceed one thousand dollars for each offense.

(2) Any public officer may initiate an action before the department to enforce the provisions of this chapter.

(3) The department may apply for relief by injunction without bond to restrain a person from committing any act that is prohibited by this chapter. In such proceedings, it is not necessary to allege or prove either that an adequate remedy at law does not exist or that substantial irreparable damage would result from the continued violation thereof. The department is not liable for its actions in any such proceeding or in any other proceeding instituted by the department under this chapter. The department in any proper case shall cause prosecution to be instituted in any county or counties where any violation of this chapter occurs, and shall aid the prosecution of the violator.

NEW SECTION. Sec. 11. This chapter does not affect or prevent the practice of architecture under chapter 18.08 RCW or engineering under chapter 18.43 RCW.

NEW SECTION. Sec. 12. (1) Interior design limited to kitchen and bathroom design is exempt from registration requirements under this chapter. Notwithstanding the provisions of section seven of this act, persons practicing interior design limited to kitchen and bathroom design, may without registering under this chapter use the title "kitchen and bathroom interior designer."

(2) The department of licensing shall conduct a review of the need for regulation of kitchen and bathroom interior designers using the public interest criteria set forth in RCW 18.118.010. In conducting the review, the department of licensing shall consult with representatives of kitchen and bathroom interior designers, interior designers, and consumers of interior design services. The department of licensing shall submit recommendations to the appropriate committees of the legislature by December 1, 2004, regarding (a) the need for regulation of kitchen and bathroom interior design; and (b) if some form of regulation is recommended, the minimum qualifications to meet the regulatory standard.

(3) This section expires July 1, 2005.

NEW SECTION. Sec. 13. This act may be known and cited as the interior design professionals act of 2004.

NEW SECTION. Sec. 14. Sections 1 through 11 and 13 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hudgins, Holmquist and Hudgins (again) spoke in favor of passage of the bill.

Representative Nixon, Anderson, Cairnes and Flannigan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2513.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2513 and the bill passed the House by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Blake, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, Dickerson, Dunshee, Fromhold, Grant, Haigh, Hankins, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Santos, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Voloria, Wallace, Wood, Woods and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Flannigan, Hatfield, Hinkle, Kirby, Kristiansen, Mastin, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Ruderman, Schindler, Schoesler, Sehlin, Shabro, Sump, Talcott, Tom and Upthegrove - 42.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2513, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2520, By Representative Cody

Concerning the disclosure of information by persons licensed under chapter 18.225 RCW.

The bill was read the second time.

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

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2520.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2520 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 2520, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2537, By Representatives Alexander, Fromhold, Conway, G. Simpson, Moeller and Chase; by request of Select Committee on Pension Policy

Establishing a public safety employees' retirement system plan 2.

The bill was read the second time.

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

Representatives Alexander, Fromhold, Cooper and Hinkle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2537.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2537 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller,

Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 2537, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2582, By Representatives Linville, Bailey, Cody and Campbell

Pertaining to interim permits for speech-language pathologists and audiologists.

The bill was read the second time. There being no objection, Substitute House Bill No. 2582 was substituted for House Bill No. 2582 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2582 was read the second time.

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

Representatives Linville and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2582.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2582 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2582, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2596, By Representatives Dickerson, Kagi, Kirby, Quall, Schual-Berke, G. Simpson, Tom, Kenney, McDermott, Boldt, Wood, Linville, Chase, Lantz, O'Brien, Haigh, Conway, Morrell, Miloscia, Kessler, Santos and Clibborn

Providing for early intervention services for children with disabilities.

The bill was read the second time. There being no objection, Substitute House Bill No. 2596 was substituted for House Bill No. 2596 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2596 was read the second time.

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

Representatives Dickerson, Boldt and Kagi spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2596.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2596 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Uptegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2596, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2469, By Representatives G. Simpson, Campbell, Conway, Clements, Uptegrove, O'Brien, Cody, Cooper, Bush, Dickerson, Dunshee, Darneille, Hunt, Wood, Chase, Linville, Moeller, Morrell, Rockefeller, Clibborn, Lantz and Schual-Berke

Authorizing certain state agencies to purchase prescription drugs from Canadian wholesalers and pharmacies.

The bill was read the second time. There being no objection, Substitute House Bill No. 2469 was substituted for House Bill No. 2469 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2469 was read the second time.

Representative Alexander moved the adoption of amendment (903):

On page 3, line 24, after "stored." insert the following:

"It is the policy of the state of Washington to discourage the importation of prescription drugs from Canada unless done so lawfully."

Representatives Alexander, Cox, Boldt and Chandler spoke in favor of the adoption of the amendment.

Representatives Conway, Schual-Berke, Dunshee and Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clements moved the adoption of amendment (910):

On page 3, line 24, after "stored." insert: "The attorney general shall review the web site and the information provided through the pharmacy connection program and certify that they do not violate any applicable state or federal law."

Representatives Clements and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives G. Simpson, Campbell, Dunshee, Clements, Clibborn, Cody, Conway, Morrell, Sump, Schual-Berke and DeBolt spoke in favor of passage of the bill.

Representatives Alexander, Ericksen and Benson spoke against the passage of the bill.

Representative Hankins demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2469.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2469 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Ahern, Benson, Boldt, Delvin, McMahan, Mielke, and Orcutt - 7.
Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2469, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1828, By Representatives Schual-Berke, Pflug, Cody, Hankins, Linville, Skinner, Cooper, Alexander, Ruderman, Delvin, McDermott, Ericksen, Campbell, Santos, Haigh, Quall, Upthegrove, G. Simpson, Hatfield, Kessler, Conway and Kenney

Requiring that insurance coverage for mental health services be at parity with medical and surgical services.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1828 was substituted for House Bill No. 1828 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1828 was read the second time.

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

Representatives Schual-Berke, Darneille, Miloscia, Campbell, Hunter and Linville spoke in favor of passage of the bill.

Representatives Benson, Schoesler and Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1828.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1828 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Armstrong, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Woods - 33.

Excused: Representative Edwards - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1828, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute House Bill No. 1828.

CATHY McMORRIS, 7th District

The Speaker assumed the chair.

HOUSE BILL NO. 2769, By Representatives Pettigrew, Benson, Kagi, Nixon, Miloscia, Tom, Darneille, Dickerson, Linville, Hunter, G. Simpson, Kirby, Moeller, Schual-Berke, Chase, Upthegrove, Morrell, Wood and Hudgins

Reducing hunger.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2769 was substituted for House Bill No. 2769 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2769 was read the second time.

Representative Kagi moved the adoption of amendment (873):

On page 3, after line 33, insert the following:

"(6) Schools not offering a breakfast or lunch program may meet the meal service requirements of subsections (4) and (5) of this section through any of the following:

(a) Preparing the meals on-site;

(b) Receiving the meals from another school that participates in a United States department of agriculture child nutrition program; or
(c) Contracting with a non-school entity that is a licensed food service establishment under RCW 69.07.010."

Renumber the subsections consecutively and correct internal references accordingly.

Representative Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Boldt moved the adoption of amendment (879):

On page 4, beginning on line 16, after "income" strike "that would result in ineligibility for the benefit program"

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Boldt moved the adoption of amendment (880):

On page 4, beginning on line 19, strike all of section 4

Renumber the sections consecutively and correct the title.

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Pettigrew spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Sehlin moved the adoption of amendment (870):

On page 5, after line 28, insert the following:

"**NEW SECTION. Sec. 6.** If specific funding for purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Sehlin and Pettigrew spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Pettigrew, Nixon and Sehlin spoke in favor of passage of the bill.

Representative Boldt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2769.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2769 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Boldt, Hinkle, Mielke and Schindler - 4.

Excused: Representative Edwards - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2769, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 2612, By Representatives Grant, Hankins, Delvin and Veloria; by request of Department of Community, Trade, and Economic Development

Modifying provisions concerning the Hanford area economic investment fund.

The bill was read the second time. There being no objection, Substitute House Bill No. 2612 was not substituted for House Bill No. 2612.

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

Representatives Grant and Hankins spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representatives Skinner and Woods were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2612.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2612 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 95.

Excused: Representatives Edwards, Skinner and Woods - 3.

HOUSE BILL NO. 2612, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2618, By Representatives Linville, Schoesler, Holmquist, Grant and Sump

Concerning commodity commissions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2618 was substituted for House Bill No. 2618 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2618 was read the second time.

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

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2618.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2618 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 95.

Excused: Representatives Edwards, Skinner and Woods - 3.

SUBSTITUTE HOUSE BILL NO. 2618, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2621, By Representatives Blake, Orcutt, Hatfield and Flannigan

Providing for a razor clam license.

The bill was read the second time. There being no objection, Substitute House Bill No. 2621 was substituted for House Bill No. 2621 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2621 was read the second time.

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

Representatives Blake and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2621.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2621 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 95.

Excused: Representatives Edwards, Skinner and Woods - 3.

SUBSTITUTE HOUSE BILL NO. 2621, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2626, By Representatives Hatfield, Pearson, Blake and Sump; by request of Department of Fish and Wildlife

Allowing the department of fish and wildlife to allocate certain forfeited moneys for coastal groundfish management and research.

The bill was read the second time. There being no objection, Substitute House Bill No. 2626 was substituted for House Bill No. 2626 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2626 was read the second time.

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

Representatives Hatfield and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2626.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2626 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 95.

Excused: Representatives Edwards, Skinner and Woods - 3.

SUBSTITUTE HOUSE BILL NO. 2626, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2635, By Representatives Pettigrew, Skinner, Jarrett, Clibborn, McDonald, Veloria, Anderson, Chase, Morrell and Rockefeller

Authorizing port districts to provide consulting services.

The bill was read the second time. There being no objection, Substitute House Bill No. 2635 was substituted for House Bill No. 2635 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2635 was read the second time.

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

Representatives Pettigrew and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2635.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2635 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 95.

Excused: Representatives Edwards, Skinner and Woods - 3.

SUBSTITUTE HOUSE BILL NO. 2635, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2441, By Representatives Chase, Wallace, Conway, D. Simpson, Condotta, Moeller, Morrell, Anderson, Upthegrove and Hudgins

Creating a "Washington Made" logo.

The bill was read the second time. There being no objection, Substitute House Bill No. 2441 was substituted for House Bill No. 2441 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2441 was read the second time.

Representative Rodne moved the adoption of amendment (845):

On page 2, line 12, after "among" strike "Washington K-12"

On page 2, line 12, after "students" insert "receiving an elementary, intermediate, secondary or higher education in Washington"

Representatives Rodne and Veloria spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative McMahan moved the adoption of amendment (854):

On page 2, line 12, after "Washington" strike "K-12 students" and insert "residents"

On page 2, line 14, strike "student" and insert "resident"

On page 2, line 15, after "receive" strike "a scholarship award of"

On page 2, line 15, strike "student" and insert "resident"

On page 2, line 17, after "receive" strike "a scholarship award of"

On page 2, line 18, strike "student" and insert "resident"

On page 2, line 19, after "receive" strike "a scholarship award of"

Representative McMahan spoke in favor of the adoption of the amendment.

Representative Veloria spoke against adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (844) was withdrawn.

Representative Hinkle moved the adoption of amendment (855):

On page 2, line 20, after "dollars." insert "The trademark rights to the winning "Washington Made" logo shall be vested in the state of Washington."

Representatives Hinkle and Veloria spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Chase and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2441.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2441 and the bill passed the House by the following vote: Yeas - 89, Nays - 6, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire,

McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 89.

Voting nay: Representatives Crouse, Ericksen, Holmquist, Kristiansen, Newhouse and Schindler - 6.

Excused: Representatives Edwards, Skinner and Woods - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2441, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2479, By Representatives Kagi, Hinkle, Cooper and Upthegrove

Concerning burn bans for solid fuel burning devices.

The bill was read the second time. There being no objection, Substitute House Bill No. 2479 was substituted for House Bill No. 2479 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2479 was read the second time.

With the consent of the House, amendment (786) was withdrawn.

Representative Kagi moved the adoption of amendment (786):

On page 1, line 14, after "enter" strike "a neighboring property" and insert "that portion of a neighboring property that immediately surrounds a dwelling"

Representatives Kagi and Buck spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kagi, Cooper, Rockefeller and Kagi (again) spoke in favor of passage of the bill.

Representatives Sump, Pearson, McMahan and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2479.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2479 and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Armstrong, Buck, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Blake, Boldt, Bush, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunshee, Ericksen, Hatfield, Holmquist,

Kristiansen, Mastin, McDonald, McMahan, Mielke, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro and Sump - 33.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2511, By Representatives Flannigan, Jarrett, Lovick, Schual-Berke and Moeller; by request of Washington Traffic Safety Commission

Clarifying seat belt requirements.

The bill was read the second time.

Representative Ericksen moved the adoption of amendment (859):

On page 2, line 16, after "(3)" insert "Except for subsection (4)(b) of this section, which must be enforced as a primary action, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Chapter 46.61 RCW -- Rules of the Road, or an equivalent local ordinance or some other offense.

(4)"

Renumber the subsections consecutively and correct any internal references accordingly.

POINT OF ORDER

Representative Hunt requested a scope and object ruling on amendment (859) to House Bill No. 2511.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "House Bill No. 2511 is entitled an act relating to 'clarifying motor vehicle safety belt requirements by replacing references to the federal code.' The bill clarifies which vehicles are subject to motor vehicle safety belt requirements by replacing references to the federal safety standard with vehicle model years.

Amendment (859) eliminates primary enforcement of most seat belt law violations. It is unrelated to clarifying application of the law by replacing references to the vehicles subject to motor vehicle safety belt requirements.

The amendment is therefore outside the scope and object of the bill.

Representative Hunt, your point of order is well taken."

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

Representatives Flannigan, Jarrett, G. Simpson and Wood spoke in favor of passage of the bill.

Representatives Ericksen, Cairnes and Schoesler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2511.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2511 and the bill passed the House by the following vote: Yeas - 51, Nays - 45, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Benson, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Flannigan, Fromhold, Haigh, Hankins, Hudgins, Hunt, Hunter,

Jarrett, Kagi, Kenney, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 51.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Grant, Hatfield, Hinkle, Holmquist, Kessler, Kirby, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump and Talcott - 45.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2511, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2654, By Representatives Santos, Cody, Kagi, Chase, Kenney, McIntire, Schual-Berke and McDermott

Requiring a tax expenditure report as part of the biennial budget documents.

The bill was read the second time.

Representative Sommers moved the adoption of amendment (864):

On page 2, line 27, after "supports." strike everything through "exemption." on line 31.

Representatives Sommers and Priest spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Santos, Cairnes and McIntire spoke in favor of passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2654.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2654 and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Benson, Boldt, Bush, Cox, Crouse, Ericksen, McMahan, Mielke, Orcutt, Schindler and Schoesler - 12.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED HOUSE BILL NO. 2654, having received the necessary constitutional majority, was declared passed.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151, By Committee on Judiciary (originally sponsored by Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, G. Simpson and Upthegrove)

Regulating the keeping of dangerous wild animals.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1151 was substituted for Engrossed Substitute House Bill No. 1151 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1151 was read the second time.

Representative Campbell moved the adoption of amendment (862):

On page 4, line 15, after "authority." insert "The animal control authority shall not unreasonably deny permission for a person to maintain possession of a potentially dangerous wild animal after July 1, 2009, if the person has proper documentation establishing that the potentially dangerous wild animal was lawfully possessed by the person prior to the effective date of this act."

Representatives Campbell and Lovick spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Campbell moved the adoption of amendment (863):

On page 5, after line 3, insert the following:
"(5) An animal control authority may euthanize a potentially dangerous wild animal under this section only if all other reasonable placement options, including relocation to a wildlife sanctuary, zoo, or aquarium, are unavailable."

Representatives Campbell and Lovick spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lovick and Campbell spoke in favor of passage of the bill.

Representatives Carrell and Sump spoke against the passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1151.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1151 and the bill passed the House by the following vote: Yeas - 60, Nays - 36, Absent - 0, Excused - 2.

Voting yea: Representatives Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick,

Mastin, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump and Talcott - 36.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair. With the consent of the House, Rule 13c was suspended.

HOUSE BILL NO. 1488, By Representatives Miloscia, Armstrong, Pettigrew, Morris, Linville, Schual-Berke, Conway, Romero, Chase, Eickmeyer, Haigh, Hunt, Moeller, Anderson, McCoy, Lovick, Upthegrove, Berkey, Morrell, Lantz, Wood and Kenney

Requiring quality management programs for state agencies.

The bill was read the second time. There being no objection, Substitute House Bill No. 1488 was substituted for House Bill No. 1488 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1488 was read the second time.

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

Representatives Miloscia and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1488.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1488 and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Alexander, Bailey, Bush, Chandler, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Orcutt, Pearson, Roach, Schoesler, Sehlin and Shabro - 17.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1488, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1603, By Representatives Flannigan, Campbell, Fromhold, Moeller, Armstrong, Cairnes, G. Simpson, O'Brien and Delvin

Revising standards for antiharassment protection order hearings.

The bill was read the second time. There being no objection, Substitute House Bill No. 1603 was substituted for House Bill No. 1603 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1603 was read the second time.

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

Representative Flannigan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1603.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1603 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1603, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2436, By Representatives Morrell, Lantz, Carrell, Bush, Moeller, Kirby, McCoy, Dickerson, O'Brien, Conway, Chase, Sullivan, Cody, Haigh, Rockefeller, Fromhold, Schual-Berke, Hudgins, Talcott, Clibborn, Darneille, Ormsby, G. Simpson, Hunt, Jarrett, Campbell, Wallace, Upthegrove, Woods, Armstrong, Kenney, Dunshee, Nixon, Condotta and Hankins

Increasing the combined disposable income eligibility threshold for the retired persons property tax relief program.

The bill was read the second time.

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

Representative Morrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2436.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2436 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE BILL NO. 2436, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2670, By Representatives Moeller, Sullivan, Morrell, Hinkle, Chase, McCoy, Cox, Clibborn, Condotta, Lovick, G. Simpson, Linville and Rockefeller

Concerning veterans and veterans' relief.

The bill was read the second time. There being no objection, Substitute House Bill No. 2670 was substituted for House Bill No. 2670 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2670 was read the second time.

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

Representatives Moeller, Mielke and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2670.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2670 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2670, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2711, By Representatives Kenney, Morrell, Cody, McIntire, Chase and Conway

Funding a central resource center for the nursing work force.

The bill was read the second time. There being no objection, Substitute House Bill No. 2711 was substituted for House Bill No. 2711 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2711 was read the second time.

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

Representatives Kenney and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2711.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2711 and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Armstrong, Chandler, Clements, Crouse, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Orcutt and Schindler - 14.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2711, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2784, By Representatives Pettigrew, Skinner, O'Brien, Conway, Hunt, Cooper, Cairnes, Eickmeyer, Jarrett, Sullivan, Kirby, G. Simpson, Ruderman, Hatfield, Moeller, Chase, Kenney, Morrell, Hudgins and Murray

Creating the small business incubator program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2784 was substituted for House Bill No. 2784 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2784 was read the second time.

Representative Upthegrove moved the adoption of amendment (902):

On page 2, after line 29, insert the following:

"(4) The department of community, trade and economic development will provide assistance, up to a maximum of two hundred fifty thousand dollars, to one eligible small business incubator organization for the completion of a feasibility study and economic analysis for the creation of a center for advanced manufacturing. In order to receive the grant money, the eligible small business incubator organization must show that it has the

resources to complete the feasibility study and the economic analysis in a timely manner and the state grant is not the sole source of funds.

(5) For the purposes of subsection (4) of this section, an eligible small business incubator must be:

(a)(i) Designated as a nonprofit organization under section 501(c)(3) of the internal revenue code, or (ii) a partnership between a designated nonprofit organization under section 501(c)(3) of the internal revenue code and a government or quasi-government agency; and

(b) Focused on developing or supporting small, medium, and large manufacturing businesses;

(c) Structured around a sound business plan; and

(d) Compliant with the standards developed by the department of community, trade and economic development and included in the application."

Representative Upthegrove spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Pettigrew, Woods, Sehlin and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2784.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2784 and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Armstrong, Condotta, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Nixon, Pearson, Roach and Shabro - 15.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2818, By Representatives Kagi, Boldt, Darneille, Pearson, Cooper, Linville, Hudgins, Kessler, Lantz, Conway, G. Simpson, Edwards, Sullivan, Kenney, Wood, Schual-Berke, Chase, Santos, Ormsby and Dickerson

Creating the homeless families services fund.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2818 was substituted for House Bill No. 2818 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2818 was read the second time.

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

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2818.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2818 and the bill passed the House by the following vote: Yeas - 78, Nays - 18, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 78.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, McMahan, Mielke, Newhouse, Nixon, Orcutt, Rodne and Schindler - 18.

Excused: Representatives Edwards and Skinner - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2818, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3020, By Representatives Cooper, Rockefeller, Kagi, Sullivan, Chase, G. Simpson, D. Simpson, Lantz, Dickerson, Lovick and Upthegrove

Reducing the risk of oil spills and spill damage.

The bill was read the second time. There being no objection, Substitute House Bill No. 3020 was substituted for House Bill No. 3020 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3020 was read the second time.

Representative Schoesler moved the adoption of amendment (919):

On page 3, line 30, after "effectively." insert the following:

"The standards adopted by rule must be suitable to the specific environmental and operational conditions and characteristics of the facilities that are subject to the standards, and shall be consistent with, but not exceed, United States coast guard requirements applicable to the activities covered by this section."

Representative Schoesler spoke in favor of the adoption of the amendment.

Representative Cooper spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Cooper, Sump and Rockefeller spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3020.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3020 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 3020, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3051, By Representatives Pettigrew, Cairnes, Santos, McCoy, Sump, Linville, Buck, Chase and Upthegrove

Revising notice provisions for proceedings involving Indian children.

The bill was read the second time. There being no objection, Substitute House Bill No. 3051 was substituted for House Bill No. 3051 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3051 was read the second time.

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

Representatives Pettigrew and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3051.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3051 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 3051, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3078, By Representatives Dickerson, Boldt, Flannigan, Kagi and Pettigrew

Revising timelines for sealing juvenile records.

The bill was read the second time. There being no objection, Substitute House Bill No. 3078 was substituted for House Bill No. 3078 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3078 was read the second time.

Representative Dickerson moved the adoption of amendment (852):

On page 5, beginning on line 1, after "The" strike everything through "new felony" on line 3 and insert "justice information system shall provide prosecutors access to information on the existence of sealed juvenile records"

Representative Dickerson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3078 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3085, By Representatives Kagi, Boldt, Dickerson, Orcutt, Shabro, Pettigrew, Darneille and Morrell

Encouraging the use of family decision meetings regarding children in the child welfare system.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 3085 was substituted for House Bill No. 3085 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3085 was read the second time.

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

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 3085.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3085 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 3085, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3090, By Representatives Kagi, Boldt, Darneille, Miloscia, Pettigrew, Roach, Dickerson, Fromhold, Talcott, Shabro, Pearson and Bailey

Revising the definition of out-of-home placement.

The bill was read the second time. There being no objection, Substitute House Bill No. 3090 was substituted for House Bill No. 3090 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3090 was read the second time.

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

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3090.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3090 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 3090, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3092, By Representative Delvin

Providing time for signing denial of paternity.

The bill was read the second time. There being no objection, Substitute House Bill No. 3092 was substituted for House Bill No. 3092 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3092 was read the second time.

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

Representatives Delvin and Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3092.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3092 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 3092, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3175, By Representatives Grant, Chandler, Mastin, Hatfield, Buck, Linville and Kessler

Providing financial assistance to counties.

The bill was read the second time. There being no objection, Substitute House Bill No. 3175 was substituted for House Bill No. 3175 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3175 was read the second time.

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

Representatives Grant, Talcott and Sump spoke in favor of passage of the bill.

Representative Sehlin spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3175.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3175 and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Blake, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Anderson, Bailey, Benson, Boldt, Bush, Clements, Crouse, Delvin, Ericksen, Hankins, Jarrett, Kristiansen, Mastin, McMahan, Mielke, Nixon, Pearson, Roach, Rodne, Schindler, Sehlin, Shabro and Tom - 23.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 3175, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4040, By Representatives Pettigrew, Priest, Kagi, Jarrett, Tom, Benson, Miloscia, Darneille, Ormsby, Morrell and O'Brien

Requesting congress to pass a federal 211 act.

The joint memorial was read the second time.

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

Representatives Pettigrew, Boldt and Mastin spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4040.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4040 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick,

Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

HOUSE JOINT MEMORIAL NO. 4040, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:30 a.m., February 14, 2004, the 34th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

THIRTY THIRD DAY, FEBRUARY 13, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTY FOURTH DAY

House Chamber, Olympia, Saturday, February 14, 2004

The House was called to order at 9:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jill Rosenblum and Mal Monahan. The Speaker (Representative Hatfield presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative David Quall.

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

MESSAGES FROM THE SENATE

February 13, 2004

Mr. Speaker:

The Senate has passed the following bills:

SUBSTITUTE SENATE BILL NO. 6118,
SECOND SUBSTITUTE SENATE BILL NO. 6144,
SECOND SUBSTITUTE SENATE BILL NO. 6220,
SENATE BILL NO. 6259,
SUBSTITUTE SENATE BILL NO. 6466,
SENATE BILL NO. 6502,
ENGROSSED SENATE JOINT MEMORIAL NO. 8039,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 13, 2004

Mr. Speaker:

The Senate has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5877,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6481,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 13, 2004

Mr. Speaker:

The Senate has passed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5150,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5431,
SUBSTITUTE SENATE BILL NO. 5590,
SENATE BILL NO. 6177,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6270,
SUBSTITUTE SENATE BILL NO. 6419,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6472,
SUBSTITUTE SENATE BILL NO. 6619,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6680,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6701,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 13, 2004

Mr. Speaker:

The Senate has passed the following bills:

SUBSTITUTE SENATE BILL NO. 6105,
SUBSTITUTE SENATE BILL NO. 6245,
SENATE BILL NO. 6314,
SUBSTITUTE SENATE BILL NO. 6341,
SUBSTITUTE SENATE BILL NO. 6384,
SUBSTITUTE SENATE BILL NO. 6609,
SUBSTITUTE SENATE BILL NO. 6641,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6642,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 13, 2004

Mr. Speaker:

The Senate has passed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6413,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6519,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 13, 2004

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE SENATE BILL NO. 5914, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1031, By House Committee on Judiciary (originally sponsored by Representatives Lovick, O'Brien, Sullivan and Lantz)

Revising rules for payment of traffic infraction and misdemeanor penalties.

The bill was read the third time.

Representatives Lovick and Carrell spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Santos, Representatives Edwards, Hunter, McCoy, McIntire, Morris, Schual-Berke, Sullivan, Upthegrove, and Wood were excused. On motion of Representative Clements, Representatives Armstrong, Campbell and Mastin were excused.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1031.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1031 and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Voloria, Wallace, Woods and Mr. Speaker - 86.

Excused: Representatives Armstrong, Campbell, Edwards, Hunter, Mastin, McCoy, McIntire, Morris, Schual-Berke, Sullivan, Upthegrove, and Wood - 12.

SUBSTITUTE HOUSE BILL NO. 1031, having received the necessary constitutional majority, was declared passed.

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

SUBSTITUTE HOUSE BILL NO. 1867, By House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell and Rockefeller)

Establishing replevin procedures.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1867.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1867 and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Voloria, Wallace, Woods and Mr. Speaker - 87.

Excused: Representatives Campbell, Edwards, Hunter, Mastin, McCoy, McIntire, Morris, Schual-Berke, Sullivan, Upthegrove and Wood - 11.

SUBSTITUTE HOUSE BILL NO. 1867, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2657, By Representatives Morrell and McDonald

Modifying training requirements for security guards.

The bill was read the second time. There being no objection, Substitute House Bill No. 2657 was substituted for House Bill No. 2657 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2657 was read the second time.

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

Representatives Morrell and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2657.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2657 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Edwards, Mastin, McCoy, McIntire, Morris, Sullivan and Upthegrove - 7.

SUBSTITUTE HOUSE BILL NO. 2657, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2680, By Representatives Cody, Bailey, Schual-Berke, G. Simpson, Anderson, Morrell, Kenney, Wallace, Rockefeller and Edwards; by request of Superintendent of Public Instruction

Requiring development of a model policy for nutrition and physical activity for schools.

The bill was read the second time. There being no objection, Substitute House Bill No. 2680 was substituted for House Bill No. 2680 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2680 was read the second time.

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

Representatives Cody, Bailey and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2680.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2680 and the bill passed the House by the following vote: Yeas - 79, Nays - 15, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Miloscia, Moeller, Morrell, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Armstrong, Benson, Buck, Chandler, Clements, Condotta, Cox, Ericksen, Hinkle, Holmquist, McMorris, Mielke, Newhouse, Schoesler and Sump - 15.

Excused: Representatives Edwards, Mastin, Morris and Upthegrove - 4.

SUBSTITUTE HOUSE BILL NO. 2680, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2708, By Representatives Ormsby, Kenney, Cox, Fromhold, Moeller, Dickerson, Chase, Lantz, Morrell, Wood, Hudgins and Kagi

Creating conditional scholarships for prospective teachers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2708 was substituted for House Bill No. 2708 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2708 was read the second time.

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

Representatives Ormsby and D. Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2708.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2708 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative Sump - 1.

Excused: Representatives Edwards, Mastin and Morris - 3.

SUBSTITUTE HOUSE BILL NO. 2708, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2720, By Representatives Kenney, McCoy, Pearson, Dunshee, Schual-Berke, Cooper, Kristiansen, Chase and Morrell; by request of State Board of Education

Concerning school district superintendent credential preparation programs.

The bill was read the second time.

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

Representative Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2720.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2720 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Morris - 3.

HOUSE BILL NO. 2720, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

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

INTRODUCTION & FIRST READING

HB 3197 by Representatives Schual-Berke, Kagi, Cody, Lantz, Morrell, Clibborn and Rockefeller

AN ACT Relating to reporting and analysis of medical malpractice related information; adding a new section to chapter 7.70 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

HB 3198 by Representatives Boldt, McMahan and Ahern

AN ACT Relating to enhancements of driving while under the influence convictions; and amending RCW 46.61.5055.

Referred to Committee on Judiciary.

HB 3199 by Representatives Boldt, McMahan and Ahern

AN ACT Relating to reckless driving; amending RCW 46.61.500, 7.68.035, 9.94A.030, 10.31.100, 46.01.260, 46.20.285, 46.20.342, 46.25.010, 46.61.5055, 46.61.513, 46.61.530, 46.61.535, 46.61.665, 46.63.020, and 46.65.020; reenacting and amending RCW 13.40.0357; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 3200 by Representatives Lantz, Morrell, Clibborn and Rockefeller

AN ACT Relating to the time period for bringing an action for personal injury or death resulting from health care; amending RCW 4.16.350 and 4.16.190; and creating a new section.

HB 3201 by Representatives Lantz, Morrell, Clibborn and Rockefeller

AN ACT Relating to frivolous lawsuits; and amending RCW 4.84.185.

ESSB 5150 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Benton, Roach and Stevens)

AN ACT Relating to providing for the election of library trustees; amending RCW 27.12.190; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Local Government.

ESB 5255 by Senators Roach, Hale, Stevens, Mulliken, T. Sheldon, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

AN ACT Relating to the rule-making authority of various governmental entities; amending RCW 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.150, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, and 80.01.040; and adding a new section to chapter 43.17 RCW.

Referred to Committee on State Government.

E2SSB 5369 by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Haugen, Hale, Oke and McCaslin)

AN ACT Relating to regulating the use of automated traffic safety cameras; amending RCW 3.46.120, 3.50.100, 35.20.220, 46.63.030, and 46.63.140; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5376 by Senator Prentice

AN ACT Relating to the alignment of state route number 99; and amending RCW 47.17.160.

Referred to Committee on Transportation.

ESSB 5431 by Senate Committee on Highways & Transportation (originally sponsored by Senators Oke, Prentice, Horn, Haugen and Rasmussen; by request of Department of Licensing)

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.010, 46.25.123, and 46.25.125; reenacting and amending RCW 46.25.090; and creating a new section.

Referred to Committee on Transportation.

2ESSB 5536 by Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner, Reardon, Roach, Hale, Horn, Benton, Morton, Hewitt, Schmidt, Kastama, Sheahan, Mulliken, Johnson, Parlette, Stevens, West and Esser)

AN ACT Relating to condominiums; amending RCW 64.34.100, 64.34.216, 64.34.324, 64.34.410, 64.34.417, 64.34.425, 64.34.445, 64.34.450, and 64.34.452; adding new sections to chapter 64.34 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SSB 5590 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Fraser, Honeyford, Hewitt, Doumit and Regala; by request of Environmental Hearings Office)

AN ACT Relating to determining the appeals period for certain environmental appeals; amending RCW 43.21B.001, 43.21B.190, 43.21B.230, and 43.21B.300; and reenacting and amending RCW 43.21B.310.

Referred to Committee on Judiciary.

2SSB 5793 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley and Prentice)

AN ACT Relating to minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities; amending RCW 48.23.430 and 48.23.440; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5877 By Senate Committee on Education (originally sponsored by Senators Johnson, McAuliffe, Kohl-Welles and Rasmussen; by request of Governor Locke)

AN ACT Relating to the learning assistance program; adding new sections to chapter 28A.165 RCW; and repealing RCW 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, and 28A.165.090.

Referred to Committee on Appropriations.

2SSB 5914 by Senate Committee on Ways & Means (originally sponsored by Senators Carlson and Kohl-Welles)

AN ACT Relating to higher education; and creating new sections.

Referred to Committee on Higher Education.

SSB 6105 by Senate Committee on Judiciary (originally sponsored by Senator McCaslin)

AN ACT Relating to juvenile penalties for animal cruelty; amending RCW 13.40.127; reenacting and amending RCW 13.40.0357; prescribing penalties; and providing an effective date.

Referred to Committee on Juvenile Justice & Family Law.

ESSB 6112 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Prentice, Benton, Winsley, Keiser and Kohl-Welles)

AN ACT Relating to self-funded multiple employer welfare arrangements; amending RCW 48.02.190, 48.03.060, and 48.14.0201; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.31 RCW; adding a new section to chapter 48.99 RCW; adding a new chapter to Title 48 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SSB 6118 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Morton, Stevens, Deccio, Mulliken, Roach and Swecker)

AN ACT Relating to a pilot program for cougar control; and creating a new section.

Referred to Committee on Fisheries, Ecology & Parks.

SB 6141 by Senators Winsley, Kastama, Oke, Franklin, Swecker and Schmidt; by request of Department of Revenue and Department of Veterans Affairs

AN ACT Relating to the property taxation of vehicles carrying exempt licenses; and amending RCW 84.36.595.

Referred to Committee on Finance.

2SSB 6144 by Senate Committee on Ways & Means (originally sponsored by Senators Morton and Deccio)

AN ACT Relating to opportunities and strategies for improving forest health in Washington; amending RCW 79.15.510 and 79.15.520; adding new sections to chapter 79.10 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

SSB 6160 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Keiser and Pflug)

AN ACT Relating to fairness and accuracy in the distribution of risk; amending RCW 18.20.125, 74.39A.050, and 18.20.110; adding new sections to chapter 18.20 RCW; adding a new section to chapter 74.42 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

SB 6177 by Senators Eide, Brandland and Winsley

AN ACT Relating to criminal impersonation; amending RCW 9A.60.040 and 9A.60.045; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

ESB 6180 by Senators Franklin, Eide, Prentice, Kline, Fraser, Hargrove, B. Sheldon, Kohl-Welles, Fairley, Kastama, Regala, McAuliffe, Keiser, Shin, Jacobsen, T. Sheldon, Spanel, Roach and Rasmussen

AN ACT Relating to genetic testing as a condition of employment; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce & Labor.

ESSB 6210 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Winsley, Thibaudeau and Deccio)

AN ACT Relating to peer review committees and coordinated quality improvement programs; and amending RCW 4.24.250, 43.70.510, and 70.41.200.

Referred to Committee on Health Care.

SB 6213 by Senators Hargrove, Stevens and Winsley

AN ACT Relating to making technical, clarifying, and nonsubstantive changes to mental health advance directive provisions; amending RCW 71.32.140; and creating a new section.

Referred to Committee on Judiciary.

2SSB 6220 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Johnson, McAuliffe, Esser, Winsley, T. Sheldon, Rasmussen, Kline and Keiser)

AN ACT Relating to school employee duty to report suspected child abuse or neglect; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Education.

SB 6234 by Senators Oke, Fraser, Swecker, Parlette, Fairley, Jacobsen, Esser, Brown and Kline

AN ACT Relating to off-road and nonhighway vehicles; amending RCW 46.09.020, 46.09.110, 46.09.130, 46.09.130, 46.09.240, and 46.09.280; reenacting and amending RCW 46.09.170 and 46.09.170; providing effective dates; and providing expiration dates.

Referred to Committee on Fisheries, Ecology & Parks.

SSB 6238 by Senate Committee on Land Use & Planning (originally sponsored by Senators T. Sheldon, Haugen, Mulliken, Hale and Rasmussen)

AN ACT Relating to modifying provisions for limited areas of more intensive rural development; and amending RCW 36.70A.070.

Referred to Committee on Local Government.

SSB 6245 by Senate Committee on Education (originally sponsored by Senators Zarelli, Regala, Winsley and Rasmussen)

AN ACT Relating to residency teacher certification partnership programs; amending RCW 28A.660.010, 28A.660.020, 28A.660.030, 28A.660.040, and 28A.660.901; repealing RCW 28A.660.900; and providing an expiration date.

Referred to Committee on Education.

SSB 6255 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Brandland, Kline, McCaslin, Regala, Winsley, Roach, Kohl-Welles, Rasmussen and Parlette)

AN ACT Relating to studying criminal background check processes; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

SB 6259 by Senators Schmidt, Poulsen, Esser, Prentice and Eide

AN ACT Relating to the taxation of internet services; and amending RCW 35.21.717.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 6270 by Senate Committee on Judiciary (originally sponsored by Senators Esser, Haugen, Sheahan and Kline)

AN ACT Relating to attorneys' liens; amending RCW 60.40.010; and creating a new section.

Referred to Committee on Judiciary.

E2SSB 6274 by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Stevens, Hargrove and Kline)

AN ACT Relating to competency restoration; amending RCW 10.77.010; reenacting and amending RCW 71.05.390; adding new sections to chapter 10.77 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6314 by Senators T. Sheldon, Hale, Kohl-Welles, Swecker, Eide, Thibaudeau, Finkbeiner, Brown, B. Sheldon, Shin, Franklin, Regala, Keiser, Doumit, Prentice, McAuliffe, Fraser, Kline, Winsley, Mulliken and Rasmussen

AN ACT Relating to the community economic revitalization board; and amending RCW 43.160.030.

Referred to Committee on Trade & Economic Development.

SSB 6327 by Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Haugen, Swecker, Jacobsen, Murray and Rasmussen)

AN ACT Relating to authorizing a fee for the limited purpose of reviewing driving records of existing policyholders for changes; and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 6336 by Senators T. Sheldon, Hargrove, Stevens, Winsley, Rasmussen and Oke

AN ACT Relating to extending existing employer workers' compensation group self-insurance to the logging industry; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Commerce & Labor.

SSB 6341 by Senate Committee on Commerce & Trade (originally sponsored by Senator Oke)

AN ACT Relating to cosmetology, barbering, manicuring, and esthetics; amending RCW 18.16.110, 18.16.260, and 18.16.160; reenacting and amending RCW 18.16.060 and 18.16.200; reenacting RCW 18.16.030; adding a new section to chapter 18.16 RCW; creating a new section; repealing RCW 18.16.165; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 6384 by Senate Committee on Judiciary (originally sponsored by Senators Esser, Thibaudeau, Keiser, Regala, Eide, McCaslin, Rasmussen, Oke, Prentice, B. Sheldon, Kline, Murray, McAuliffe, Kohl-Welles and Roach)

AN ACT Relating to penalties against convicted domestic violence offenders to pay for domestic violence programs; amending RCW 3.50.100, 3.62.090, and 10.82.070; reenacting and amending RCW 3.62.020; adding a new section to chapter 10.99 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Juvenile Justice & Family Law.

ESSB 6413 by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon, Swecker, Rasmussen, Esser, Hargrove, Murray and Stevens)

AN ACT Relating to impact fees for residential construction; adding new sections to chapter 82.02 RCW; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Local Government.

SSB 6419 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, McAuliffe, Oke and Winsley; by request of Secretary of State)

AN ACT Relating to implementing the requirements of the Help America Vote Act; amending RCW 29A.08.010, 29A.08.020, 29A.08.030, 29A.08.105, 29A.08.110, 29A.08.115, 29A.08.120, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.155, 29A.08.220, 29A.08.240, 29A.08.250, 29A.08.260, 29A.08.320, 29A.08.350, 29A.08.360, 29A.08.420, 29A.08.430, 29A.08.510, 29A.08.520, 29A.08.540, 29A.08.605, 29A.08.610, 29A.08.620, 29A.08.630, 29A.08.640, 29A.08.710, 29A.08.760, 29A.08.770, 11.88.010, 29A.16.010, 29A.16.130, 29A.44.030, 29A.44.040, 29A.44.220, 29A.44.350, 29.33.305, and 29A.04.610; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.84 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.12 RCW; adding a new chapter to Title 29A RCW; creating a new section; repealing RCW 29A.04.181, 29A.08.530, 29A.08.645, 29A.08.650, and 29A.08.750; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

SSB 6454 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Roach, Fairley, Eide, Regala, Winsley, Prentice, Shin, Kline, Thibaudeau, Johnson, Franklin, Keiser, Rasmussen, Zarelli, Jacobsen and B. Sheldon)

AN ACT Relating to the use of portable or cellular phones or paging telecommunications devices by students; amending RCW 28A.320.135; and creating a new section.

Referred to Committee on Education.

SSB 6457 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Swecker, Stevens, Deccio, Prentice, Parlette, Hargrove, Jacobsen, Kohl-Welles and Rasmussen)

AN ACT Relating to adoption; and creating a new section.

Referred to Committee on Children & Family Services.

SSB 6466 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Fairley)

AN ACT Relating to the admission of residents to nursing facilities; amending RCW 74.42.055; and declaring an emergency.

Referred to Committee on Health Care.

ESSB 6472 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, McAuliffe, Esser, Regala, Stevens and Kohl-Welles; by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to victims of crime; amending RCW 13.40.010, 13.40.165, 13.40.200, 7.69.030, 7.69A.030, and 13.04.040; reenacting and amending RCW 13.40.020, 13.40.080, 13.40.160, and 13.40.190; and providing an effective date.

Referred to Committee on Juvenile Justice & Family Law.

ESSB 6478 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Brandland, Franklin, Deccio, Rasmussen, McCaslin, Murray, B. Sheldon, Parlette, Winsley and Regala; by request of Department of Health and Washington State Patrol)

AN ACT Relating to further regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 18.64.046, 18.64.047, 69.43.110, 69.43.035, and 69.43.130; reenacting and amending RCW 18.64.044; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

SB 6480 by Senators Hewitt, Deccio, Hale, Doumit, Rasmussen, Honeyford and Mulliken

AN ACT Relating to the special occasion liquor license; and amending RCW 66.24.380.

Referred to Committee on Commerce & Labor.

ESSB 6481 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, Jacobsen, Deccio, Rasmussen and Honeyford)

AN ACT Relating to governing class 1 racing associations' authority to participate in parimutuel wagering; amending RCW 67.16.200; adding a new section to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 6502 by Senators Deccio, Thibaudeau and Winsley

AN ACT Relating to fees for performing independent reviews of health care disputes; and amending RCW 43.70.235.

Referred to Committee on Health Care.

SSB 6531 by Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline and Esser; by request of Department of Social and Health Services)

AN ACT Relating to estate adjudication for the department of social and health services; and amending RCW 11.28.330 and 11.28.340.

Referred to Committee on Judiciary.

SB 6577 by Senators Hargrove, Schmidt, Poulsen, Esser, Stevens, Berkey, Eide, McAuliffe and Rasmussen

AN ACT Relating to reporting requirements for community action agencies; creating a new section; and providing an expiration date.

Referred to Committee on Children & Family Services.

SB 6586 by Senators Honeyford and Prentice

AN ACT Relating to requirements for electrical work on boilers; and amending 2003 c 399 s 701 (uncodified).

Referred to Committee on Commerce & Labor.

SSB 6609 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Brandland, Regala, Franklin and Rasmussen)

AN ACT Relating to sealing juvenile records; and reenacting and amending RCW 13.50.050.

Referred to Committee on Juvenile Justice & Family Law.

SSB 6619 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Honeyford, Jacobsen, Haugen, Winsley, Kohl-Welles and Oke; by request of Office of Financial Management)

AN ACT Relating to fiscal impact statements on ballot measures; and amending RCW 29.79.075.

Referred to Committee on State Government.

SSB 6641 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators B. Sheldon, Oke, Spanel, Carlson, Fraser, Shin, Regala, Winsley, Kohl-Welles, Poulsen, Kline, Fairley, Jacobsen, Prentice, Haugen, Berkey, Brown, McAuliffe, Franklin, Rasmussen and Keiser)

AN ACT Relating to oil spill management; and amending RCW 90.56.005, 88.46.160, 90.56.060, and 90.56.210.

Referred to Committee on Fisheries, Ecology & Parks.

ESSB 6642 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Schmidt, Carlson, Mulliken, Hewitt, Roach and McAuliffe)

AN ACT Relating to case conferences following shelter care hearings; and amending RCW 13.34.067, 13.34.062, and 13.34.094.

Referred to Committee on Children & Family Services.

SSB 6676 by Senate Committee on Highways & Transportation (originally sponsored by Senators Murray, Haugen, Horn, Oke, Benton and Rasmussen; by request of Department of Licensing)

AN ACT Relating to transfer of vehicle license plates and ownership; and amending RCW 46.12.101, 46.16.023, 46.16.290, 46.16.316, and 46.16.590.

Referred to Committee on Transportation.

ESB 6692 by Senators Stevens, Hargrove, McAuliffe, Parlette, Eide, Schmidt, Deccio, Kastama, Regala, Sheahan, Rasmussen and Shin

AN ACT Relating to the definition of out-of-home placement; and amending RCW 74.14C.030.

Referred to Committee on Children & Family Services.

ESB 6698 by Senators Benton and Zarelli

AN ACT Relating to accounting methods for excise tax purposes; and amending RCW 82.08.100 and 82.12.070.

Referred to Committee on Finance.

ESSB 6701 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn and Haugen)

AN ACT Relating to distribution of SAFETEA funds; adding a new section to chapter 47.01 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SSB 6711 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Jacobsen, Swecker, Prentice and Esser)

AN ACT Relating to membership on regional transportation planning organization boards; amending RCW 47.80.060; and adding a new section to chapter 47.80 RCW.

Referred to Committee on Transportation.

ESJM 8039 by Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Murray, Spanel, Rasmussen, Winsley, Benton, Regala, Sheahan, Eide, Deccio, McCaslin and Roach

Requesting relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process.

Referred to Committee on State Government.

SJM 8040 by Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Keiser, Murray, Spanel, Brown, Eide, Rasmussen, Winsley and Benton

Requesting funding for veterans' health care needs.

Referred to Committee on State Government.

SJM 8043 by Senators Rasmussen, Brown, Shin and Spanel

Requesting the elimination of preferences given to asparagus under the Andean Trade Preference Act.

Referred to Committee on Agriculture & Natural Resources.

SJM 8052 by Senators Benton and Roach

Requesting that the congressional delegation of the state of Washington work to pass lifetime and retirement savings accounts.

Referred to Committee on Financial Institutions & Insurance.

There being no objection, HOUSE BILL NO. 3197 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, HOUSE BILL NO. 3200 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, HOUSE BILL NO. 3201 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

February 13, 2004

HB 2400 Prime Sponsor, Representative McMahan: Providing enhanced penalties for sex crimes against children. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

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

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

SECOND READING

HOUSE BILL NO. 2694, By Representatives Santos, Jarrett, Morrell, McDonald, McIntire, Kenney, Chase, Edwards and Darneille

Revising distribution of funds for operating and maintenance of very low-income housing projects.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was adopted. (For committee amendment(s), see Journal, 26th Day, February 6, 2004.)

Representative Santos moved the adoption of amendment (836):

On page 1, line 10, after "retain" strike "~~((up to))~~" and insert "up to"

On page 1, line 11, after "collected" strike "~~((to administer))~~ for" and insert "to administer"

On page 1, line 12, after "collection" strike ", administration, and local distribution"

Representative Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Mielke moved the adoption of amendment (798):

On page 2, line 13, after "policies." strike all material through "~~section-)~~" on line 18 and insert "The funds generated with this surcharge shall not be used for construction of new housing if at ~~((any))~~the time funds are dedicated for this purpose the vacancy rate for available low-income housing within the county rises above ten percent, unless the new construction is designed to provide housing to identifiable populations with special housing needs within the county or within a city or town within the county, who are not being adequately served by the private housing market, such as persons with developmental disabilities, senior citizens, homeless persons or families, seasonal farm workers, or victims of domestic violence. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section."

On page 3, line 2, after "standards" insert "regarding dwelling inspections, lease terms, affordability, eligibility for receiving rental assistance vouchers, and grounds for eviction and termination of receipt of voucher funds"

On page 3, line 7, strike "~~((3) The real estate research center at Washington State University shall develop a vacancy rate standard for low income housing in the state as described in RCW 18.85.540(1)(i).))~~" and insert "(3) The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i)."

Representative Mielke spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Romero moved the adoption of amendment (897):

On page 2, line 13, after "policies." strike all material through "~~section-)~~" on line 18 and insert "The funds generated with this surcharge shall not be used for construction of new housing if at ~~((any))~~the time funds are dedicated for this purpose the vacancy rate for available low-income housing within the county rises above ten percent, unless the new construction is designed to provide housing to identifiable populations with special housing needs within the county or within a city or town within the county, who are not being adequately served by the private housing market, such as persons with developmental disabilities, senior citizens, homeless persons or families, seasonal farm workers, or victims of domestic violence. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section."

On page 3, line 2, after "standards" insert "regarding dwelling inspections, lease terms, affordability, eligibility for receiving rental assistance vouchers, and grounds for eviction and termination of receipt of voucher funds"

On page 3, line 7, strike "~~((3) The real estate research center at Washington State University shall develop a vacancy rate standard for low income housing in the state as described in RCW 18.85.540(1)(i).)~~" and insert "(3) The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i)."

Representative Romero spoke in favor of the adoption of the amendment.

Representative Mielke spoke against the adoption of the amendment.

The amendment was adopted.

Representative Mielke moved the adoption of amendment (797):

On page 2, line 30, after "vouchers" insert ", payable to a landlord"

Representatives Mielke and Romero spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Santos spoke in favor of passage of the bill.

Representative Schindler spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2694.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2694 and the bill passed the House by the following vote: Yeas - 59, Nays - 37, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Skinner, Sump and Woods - 37.

Excused: Representatives Edwards and Mastin - 2.

ENGROSSED HOUSE BILL NO. 2694, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1897, By Representatives Kenney, Chandler, Conway and Condotta

Establishing a trainee real estate appraiser classification.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1897 was substituted for House Bill No. 1897 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1897 was read the second time.

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

Representatives Kenney and Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1897.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1897 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Nixon and Schindler - 2.

Excused: Representatives Edwards and Mastin - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1897, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2383, By Representatives Kenney, Cox, Fromhold, Chase, Hudgins, Wood, Morrell, Santos and Kagi

Providing for paying part-time faculty at institutions of higher education.

The bill was read the second time. There being no objection, Substitute House Bill No. 2383 was substituted for House Bill No. 2383 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2383 was read the second time.

Representative Condotta moved the adoption of amendment (853):

On page 2, line 37, after "with" insert "all"

On page 2, line 37, after "employees" strike everything through "section" on page 3, line 3

Representatives Condotta and Kenney spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2383.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2383 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2481, By Representatives Dickerson, Lovick, Kessler, McIntire, Lantz, Upthegrove, G. Simpson, Darneille, Tom, Moeller, Chase and Santos

Increasing marriage license fees to fund domestic violence programs.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2481 was substituted for House Bill No. 2481 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2481 was read the second time.

Representative Clements moved the adoption of amendment (829):

On page 2, after line 37, insert the following:

"**Sec. 2.** RCW 26.04.160 and 1997 c 58 s 909 are each amended to read as follows:

(1) Application for a marriage license must be made and filed with the appropriate county auditor upon blanks to be provided by the county auditor for that purpose, which application shall be under the oath of each of the applicants, and each application shall state the name, address at the time of execution of application, age, social security number, birthplace, whether single, widowed or divorced, and whether under control of a guardian, residence during the past six months: PROVIDED, That each county may require such other and further information on said application as it shall deem necessary.

(2) (a) The county legislative authority may impose an additional fee up to fifteen dollars on a marriage license for the purpose of funding family services such as family support centers.

(b) The county legislative authority may impose an additional fee of three dollars on a marriage license to fund domestic violence prevention services and programs within the county or, if the county does not have such services and programs, to contract with community-based domestic violence program providers."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Clements and Lovick spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Dickerson spoke in favor of passage of the bill.

Representatives Anderson, Woods, Ahern, Boldt and Shabro spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2481.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2481 and the bill passed the House by the following vote: Yeas - 56, Nays - 40, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 40.

Excused: Representatives Edwards and Mastin - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2481, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2851, By Representatives Clibborn, Campbell, Darneille and Edwards; by request of Department of Health

Removing certificate of need limitations on bed capacity and redistribution for federally certified critical access hospitals.

The bill was read the second time. There being no objection, Substitute House Bill No. 2851 was substituted for House Bill No. 2851 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2851 was read the second time.

With the consent of the House, amendment (906) was withdrawn.

Representative Cody moved the adoption of amendment (916):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.38.105 and 1996 c 50 s 1 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;

(c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure, however, other additional repairs, remodeling, or replacement projects that are not related to one or more deficiency citations and are not necessary to maintain state licensure are not exempt from certificate of need review except as otherwise permitted by (d)(vi) of this subsection or RCW 70.38.115(13);

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction or renovation at an existing nursing home which involves physical plant facilities, including administrative, dining areas, kitchen, laundry, therapy areas, and support facilities, by an existing licensee who has operated the beds for at least one year;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, nursing home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months, or a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or boarding home care to nursing home care if the bed redistribution is to be effective for a period in excess of six months. A health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4 may increase its total number of licensed beds to the total number of beds permitted under 42 U.S.C. 1395i-4 for acute care and may redistribute beds permitted under 42 U.S.C. 1395i-4 among acute care and nursing home care without being subject to certificate of need review. If there is a nursing home licensed under chapter 18.51 RCW within twenty-seven miles of the critical access hospital, the critical access hospital is subject to certificate of need review except for:

(i) Critical access hospitals which had designated beds to provide nursing home care, in excess of five swing beds, prior to December 31, 2003; or

(ii) Up to five swing beds.

Critical access hospital beds not subject to certificate of need review under this subsection (4)(e) will not be counted as either acute care or nursing home care for certificate of need review purposes. If a health care facility ceases to be certified as a critical access hospital under 42 U.S.C. 1395i-4, the hospital may revert back to the type and number of licensed hospital beds as it had when it requested critical access hospital designation;

(f) Any new tertiary health services which are offered in or through a health care facility or rural health care facility licensed under RCW 70.175.100, and which were not offered on a regular basis by, in, or through such health care facility or rural health care facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

(h) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section."

Representatives Cody and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Clibborn and Bailey spoke in favor of passage of the bill.

Representative Schindler spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2851.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2851 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Bush, Crouse and Schindler - 3.

Excused: Representatives Edwards and Mastin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2851, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2871, By Representatives Darneille, Campbell, Cody, Miloscia, Moeller, Wallace, Schual-Berke, Skinner, Murray, Upthegrove and Santos

Requiring measuring the performance of the HIV/AIDS service delivery system.

The bill was read the second time. There being no objection, Substitute House Bill No. 2871 was substituted for House Bill No. 2871 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2871 was read the second time.

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

Representatives Darneille and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2871.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2871 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

SUBSTITUTE HOUSE BILL NO. 2871, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2892, By Representatives Upthegrove, Schual-Berke, G. Simpson, Cairnes, Wallace, Veloria, Wood, Kenney, Morrell and Conway

Creating a center for advanced manufacturing.

The bill was read the second time. There being no objection, Substitute House Bill No. 2892 was substituted for House Bill No. 2892 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2892 was read the second time.

Representative Upthegrove moved the adoption of amendment (925):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** Although manufacturing has long been subject to the ups and downs of regular market cycles, the increasing pace of globalization and the ability of the world's new manufacturing floor to export deflation has caused United States manufacturers to lose all pricing power. Despite the development of good cost control practices such as lean manufacturing, domestic manufacturers cannot compete on price alone.

As our economy continues to evolve through changes to our existing manufacturing base, our manufacturers need assistance to continue to provide high quality products at a low cost. In order to make a radical change to an innovation focus, there must be a public and private partnership.

NEW SECTION. Sec. 2. A new section is added to chapter 43.31 RCW to read as follows:

(1) Provided the conditions in subsections (2) and (3) of this section are met, a center for advanced manufacturing may be created to provide the necessary resources for the state's manufacturing industry.

(2) A feasibility study and economic analysis for the creation of a center for advanced manufacturing must be conducted by a qualified organization chosen by the department of community, trade and economic development and should include, but is not limited to, a center for advanced manufacturing that offers:

(a) A research institution to transfer technology for commercial applications in small and mid-market manufacturers;

(b) A clearinghouse and national research library that locates best practices information, disseminates national research, and provides a publicly accessible research library; and

(c) On-going training, and curriculum and courses to develop a skilled work force, with a focus on quality efficiency practices.

(3) The feasibility study and economic analysis must be delivered to the appropriate committees of the legislature by December 31, 2005.

(4) For the purposes of this section, a qualified organization must be:

- (a)(i) Designated as a nonprofit organization under section 501(c)(3) of the internal revenue code, or (ii) a partnership between a designated nonprofit organization under section 501(c)(3) of the internal revenue code and a government or quasi-government agency; and
- (b) Focused on developing or supporting small, medium, and large manufacturing businesses;
- (c) Structured around a sound business plan;
- (d) Able to demonstrate that it has the resources to complete the feasibility study and economic analysis in a timely manner and the state is not the sole source of funding for the feasibility study and economic analysis; and
- (e) Compliant with the standards developed by the department of community, trade and economic development and included in the application.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void." Correct the title.

Representative Upthegrove spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Upthegrove, Buck, Veloria, Anderson, Morris and Schual-Berke spoke in favor of passage of the bill.

Representatives DeBolt and Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2892.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2892 and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Blake, Cairnes, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Schindler, Schoesler, Sehlin, Shabro and Sump - 33.

Excused: Representatives Edwards and Mastin - 2.

SUBSTITUTE HOUSE BILL NO. 2892, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3026, By Representatives O'Brien, Mielke, Darneille, Ahern, Pearson, Nixon and Linville

Revising provisions relating to correctional industries.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 3026 was substituted for House Bill No. 3026 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3026 was read the second time.

Representative O'Brien moved the adoption of amendment (826):

On page 12, line 4, after "statement of the" strike "actual"

On page 12, line 5, after "the" strike "actual"

On page 12, line 6, after "businesses." strike "Actual business" and insert "Business"

On page 12, line 10, after "prison." strike "Actual business" and insert "Business"

Representatives O'Brien and Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative O'Brien moved the adoption of amendment (827):

On page 22, line 1, after "(4)" strike "Inmate employment in class I and class II correctional industries shall have a target expansion to be implemented according to the following schedule:" and insert "Within available resources, inmate employment in class I and class II correctional industries may have a target expansion according to the following guidance:"

Representatives O'Brien and spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3026.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3026 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3043, By Representatives Tom, Quall, Bailey, Lantz, McDermott, Anderson, Chase, Morrell and Kenney

Promoting physical fitness in middle school.

The bill was read the second time. There being no objection, Substitute House Bill No. 3043 was substituted for House Bill No. 3043 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3043 was read the second time.

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

Representatives Tom, Cody, Quall and Jarrett spoke in favor of passage of the bill.

Representatives Armstrong, Cairnes, Hinkle and Benson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3043.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3043 and the bill passed the House by the following vote: Yeas - 66, Nays - 30, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Bailey, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Haigh, Hankins, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Condotta, Cox, Crouse, Ericksen, Grant, Hatfield, Hinkle, Hunt, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin and Sump - 30.

Excused: Representatives Edwards and Mastin - 2.

SUBSTITUTE HOUSE BILL NO. 3043, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3066, By Representatives Romero, Moeller, Clibborn, D. Simpson and Ormsby

Donating surplus construction property to nonprofit corporations.

The bill was read the second time. There being no objection, Substitute House Bill No. 3066 was substituted for House Bill No. 3066 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3066 was read the second time.

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

Representative Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3066.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3066 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

SUBSTITUTE HOUSE BILL NO. 3066, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3084, By Representatives Darneille, G. Simpson, Chase, Upthegrove, Ormsby, Romero, Morrell, Kenney and O'Brien

Helping families suffering financial hardship due to national guard activation.

The bill was read the second time. There being no objection, Substitute House Bill No. 3084 was substituted for House Bill No. 3084 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3084 was read the second time.

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

Representatives Darneille and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3084.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3084 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

SUBSTITUTE HOUSE BILL NO. 3084, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

SECOND READING SUSPENSION

HOUSE BILL NO. 2499, By Representatives Morris, McIntire, Nixon, Chase and Orcutt; by request of Department of Revenue and Department of General Administration

Exempting fuel cells from sales and use taxes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2499.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2499 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

HOUSE BILL NO. 2499, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2794, By Representatives Condotta and Wood

Allowing licensees to pay for liquor using debit and credit cards.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Condotta and Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2794.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2794 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Boldt, McDermott and Sommers - 3.

Excused: Representatives Edwards and Mastin - 2.

HOUSE BILL NO. 2794, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 3101, By Representatives Darneille, G. Simpson, Campbell, Romero, Upthegrove, Ormsby, Morrell, Kenney and O'Brien

Restricting the sale, foreclosure, or seizure of property belonging to a service member on deployment.

The bill was read the second time. There being no objection, Substitute House Bill No. 3101 was substituted for House Bill No. 3101 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3101 was read the second time.

Representative Darneille moved the adoption of amendment (877):

On page 1, after line 16, insert:

"Sec. 2. RCW 84.56.020 and 1996 c 153 s 1 are each amended to read as follows:

(1) The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date.

(2) Each tax statement shall include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements shall not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax be paid on or before the thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(5) Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount of tax unpaid from the date of delinquency until paid.

Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the full year amount of tax unpaid shall be assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent shall be assessed on the amount of tax delinquent on December 1st of the year in which the tax is due.

(6) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed for the period April 30, ~~((1996))~~ 2003, through ~~((December 31, 1996))~~ April 30, 2005, on delinquent taxes imposed ~~((in 1995))~~ for collection in ~~((1996))~~ 2003 or 2004 which are imposed on the personal residences owned by military personnel who participated in the situation known as "~~((Joint Endeavor))~~ Operation Enduring Freedom."

(7) For purposes of this chapter, "interest" means both interest and penalties.

(8) All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations."

Correct the title.

Representative Darneille spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Darneille spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3101.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3101 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3101, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3112, By Representatives Cooper and D. Simpson

Concerning marine fuel facilities.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 3112 was substituted for House Bill No. 3112 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3112 was read the second time.

With the consent of the House, amendment (933) was withdrawn.

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

Representatives Cooper and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 3112.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3112 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 3112, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3183, By Representatives Conway, Delvin, G. Simpson, Cooper, Roach, Campbell and Morrell

Negotiating state patrol officer wages and wage-related matters.

The bill was read the second time.

Representative Conway moved the adoption of amendment (926):

On page 2, after line 20, insert the following:

"**Sec. 2.** RCW 41.56.475 and 1999 c 217 s 4 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(7), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) The mediator or arbitration panel may consider only matters that are subject to bargaining under RCW 41.56.473.

(2) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the Washington state patrol.

~~((2))~~ (3) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and
(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.56.473."

Renumber the sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Conway and McMorris spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Conway and McMorris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3183.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3183 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Mastin - 2.

ENGROSSED HOUSE BILL NO. 3183, having received the necessary constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 4416, By Representatives Kenney, Cox and Morrell; by request of Higher Education Coordinating Board

Commending the higher education coordinating board for its work in preparing the 2004 Interim Strategic Master Plan for Higher Education.

The concurrent resolution was read the second time. There being no objection, Substitute House Concurrent Resolution No. 4416 was substituted for House Concurrent Resolution No. 4416 and the substitute concurrent resolution was placed on the second reading calendar.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4416 was read the second time.

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

Representatives Kenney and Cox spoke in favor of adoption of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final adoption of Substitute House Concurrent Resolution No. 4416.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4416 was adopted.

HOUSE BILL NO. 1982, By Representatives Kenney, Ahern, Lovick, O'Brien, Mielke, Pearson and Miloscia

Revising standards for disclosure of information concerning sex offenders and kidnapping offenders.

The bill was read the second time. There being no objection, Substitute House Bill No. 1982 was substituted for House Bill No. 1982 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1982 was read the second time.

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

Representatives Kenney and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1982.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1982 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Cody, Darneille, Hunt, Kagi and Sommers - 5.

Excused: Representatives Edwards and Mastin - 2.

SUBSTITUTE HOUSE BILL NO. 1982, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2322, By Representatives McDonald, Delvin, Kristiansen, Pearson, Lovick and Shabro

Requiring prehire screening for law enforcement applicants.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2322 was substituted for House Bill No. 2322 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2322 was read the second time.

Representative McDonald moved the adoption of amendment (913):

On page 3, line 5, after "a" strike "full-time or part-time" and insert "fully"

On page 3, line 6, after "or a" strike "reserve officer that has had a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer" and insert "fully commissioned reserve officer"

On page 3, line 13, after "each" strike "applicant" and insert "peace officer or reserve officer"

On page 3, line 17, after "officer" insert "or reserve officer"

On page 3, line 31, after "chapter" strike "; and (c) shall successfully pass a psychological examination and a polygraph or similar test as administered by a county, city, or state law enforcement agency if the officer is an applicant that has been offered a conditional offer of employment as a full-time or part-time commissioned peace officer or a reserve officer that has had a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer" and insert ". As a condition of continuing employment for any applicant that has been offered a conditional offer of employment as a fully commissioned peace officer or a reserve officer after the effective date of this act, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a fully commissioned peace officer or reserve officer, he or she shall successfully pass a psychological examination and a polygraph or similar test as administered by the county, city, or state law enforcement agency"

On page 3, line 30, after "chapter;" strike "~~(and)~~" and insert "and"

On page 5, line 19, after "(2)" strike "The" and insert "After the effective date of this act, the"

On page 5, line 20, after "has" strike "been offered a conditional offer of employment as a full-time or part-time commissioned peace officer or a reserve officer that has had a break of more than twenty-four consecutive months in the officer's service as a full-time law enforcement officer, if" and insert "lost his or her certification as result of a break in service of more than twenty-four consecutive months if"

On page 5, line 24, after "examination" strike "." and insert "and"

On page 5, line 25, after "procedure," strike "or both,"

On page 5, line 29, after "as a" insert "fully commissioned"

On page 5, line 30, after "officer" insert "or a reserve officer"

On page 5, line 34, after "(2)" strike "obtaining a certificate of basic law enforcement training or a certificate of basic law enforcement training equivalency" and insert "meeting the requirements of RCW 43.101.200"

Representatives McDonald and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives McDonald, O'Brien and Darneille spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representative McMorris was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2322.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2322 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2322, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2577, By Representatives Linville, Carrell, Kirby, Newhouse, Lovick, Campbell, McMahan, Moeller and Flannigan

Providing for committees of members.

The bill was read the second time.

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

Representative Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2577.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2577 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

HOUSE BILL NO. 2577, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2578, By Representatives O'Brien, Delvin, Pettigrew, Benson, Kessler, Haigh, Boldt, Clibborn and Pearson

Adding situations in which a crime victim is vulnerable or incapable of resistance due to the lack of a fixed residence to the list of illustrative aggravating circumstances for which an exceptional sentence may be imposed.

The bill was read the second time.

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

Representatives O'Brien, Darneille, Chopp, Talcott and Kessler spoke in favor of passage of the bill.

Representatives Mielke, McMahan, Bush and Ahern spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2578.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2578 and the bill passed the House by the following vote: Yeas - 70, Nays - 25, Absent - 0, Excused - 3.

Voting yea: Representatives Bailey, Benson, Blake, Boldt, Buck, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bush, Cairnes, Carrell, Chandler, Condotta, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Nixon, Orcutt, Roach, Rodne, Schindler, Shabro and Sump - 25.

Excused: Representatives Edwards, Mastin and McMorris - 3.

HOUSE BILL NO. 2578, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2707, By Representatives Kenney, Priest, Sommers, Jarrett, McCoy, Chase and Hudgins

Reaffirming the mission of the higher education branch campuses.

The bill was read the second time. There being no objection, Substitute House Bill No. 2707 was substituted for House Bill No. 2707 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2707 was read the second time.

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

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2707.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2707 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

SUBSTITUTE HOUSE BILL NO. 2707, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2933, By Representatives Conway, Cody, Benson, Ormsby, O'Brien, Sullivan, Wood and Morrell

Clarifying collective bargaining processes for individual providers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2933 was substituted for House Bill No. 2933 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2933 was read the second time.

Representative Conway moved the adoption of amendment (932):

On page 1, beginning on line 6, strike all of section 1 and insert the following:

"**Sec. 2.** RCW 74.39A.270 and 2002 c 3 s 6 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the authority is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees, as defined in chapter 41.56 RCW, of the authority. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure the coordination necessary to implement RCW 74.39A.300(1) and (2), bargaining under this section shall be conducted by the governor's designee appointed under chapter 41.80 RCW. The governor's designee shall consult with the authority before any agreement is reached under this section.

(2) Chapter 41.56 RCW governs the ((~~employment~~)) collective bargaining relationship between the authority and individual providers, except as otherwise expressly provided in chapter 3, Laws of 2002 and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) Negotiations shall be commenced by May 1 of any year prior to the year in which an existing collective bargaining agreement expires;

(ii) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from chapter 3, Laws of 2002 or chapter 41.56 RCW.

(3) Individual providers who are public employees ((of the authority)) solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the authority and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering chapter 3, Laws of 2002, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this section. No agency or department of the state, other than the authority, may establish policies or rules governing the wages or hours of individual providers. However, to recognize the obligation of the department to comply with Title XIX of the federal social security act and with the terms and conditions of any community-based waiver granted by the federal department of health and human services, including those related to client safety and quality of care, and to ensure federal financial participation in the provision of these services, the department retains authority to:

(a) Establish a plan of care for each consumer and to determine the hours of care that each consumer is eligible to receive;

(b) Terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer; and

(c) Deny a contract under RCW 74.39A.095(8).

(7)(a) The authority, the area agencies on aging, or their contractors under chapter 3, Laws of 2002 may not be held vicariously liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer.

(b) The members of the board are immune from any liability resulting from implementation of chapter 3, Laws of 2002.

~~((7))~~ (8) Nothing in this section affects the state's responsibility with respect to ((the state payroll system or)) unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state."

Representatives Conway and Sehlin spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Conway and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2933.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2933 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2797, By Representatives Morrell, Cody, Linville, G. Simpson, Edwards, Kenney and Ormsby; by request of Insurance Commissioner

Increasing access to health insurance options for certain persons eligible for the Federal Health Coverage Tax Credit under the Trade Act of 2002 (P.L. 107-210).

The bill was read the second time. There being no objection, Substitute House Bill No. 2797 was substituted for House Bill No. 2797 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2797 was read the second time.

Representative Bailey moved the adoption of amendment (904):

On page 6, after line 18, insert the following:

"(3) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service."

Renumber the remaining subsections accordingly.

Representatives Bailey and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Morrell and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2797.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2797 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2817, By Representatives Hatfield and Newhouse

Regulating insurance investments in limited liability companies formed to develop real property.

The bill was read the second time.

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

Representatives Hatfield and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2817.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2817 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

HOUSE BILL NO. 2817, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2841, By Representatives Blake, Hatfield, Schindler and Romero

Providing for flood control zone district administration.

The bill was read the second time.

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

Representatives Blake and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2841.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2841 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

HOUSE BILL NO. 2841, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3001, By Representatives Pettigrew, Boldt, Flannigan, Bailey, Kagi, Clibborn, Shabro, McDermott, Dickerson, Miloscia, Darneille, Roach, O'Brien, Morrell, Santos, Linville, Lantz, Wood and Chase

Authorizing kinship caregivers to consent to medical care.

The bill was read the second time. There being no objection, Substitute House Bill No. 3001 was substituted for House Bill No. 3001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3001 was read the second time.

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

Representatives Pettigrew and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3001.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3001 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

SUBSTITUTE HOUSE BILL NO. 3001, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3172, By Representatives Dunshee, Sommers and Sehlin

Providing for payment agreements.

The bill was read the second time.

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

Representatives Dunshee and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3172.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3172 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

HOUSE BILL NO. 3172, having received the necessary constitutional majority, was declared passed.

SECOND READING SUSPENSION

HOUSE BILL NO. 2849, By Representatives Kagi, Cody, Campbell, Bush and Schual-Berke; by request of Department of Health

Eliminating credentialing barriers for sex offender treatment providers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2849 was read the second time.

The bill was placed on final passage.

Representatives Kagi and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2849.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2849 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

SUBSTITUTE HOUSE BILL NO. 2849, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2650, By Representatives Linville, Flannigan, Cooper, Priest, Quall, Jarrett, Kessler, Tom, Rockefeller, Dunshee, Grant, Romero, Moeller, McDermott, O'Brien, Chase, Upthegrove, Hunt, G. Simpson, Kenney, Wallace, Wood and Kagi

Recognizing important bird areas.

The bill was read the second time. There being no objection, Substitute House Bill No. 2650 was substituted for House Bill No. 2650 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2650 was read the second time.

With the consent of the House, amendments (907), (904), (921), (924), (840), and (923) were withdrawn.

Representative Rockefeller moved the adoption of amendment (960):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Washington has a rich variety of birds, wildlife and fish that its citizens and visitors enjoy. With over three hundred sixty-five bird species, Washington can use this natural asset to attract nature tourists and sportsmen from all over the country and the world. According to a United States fish and wildlife service report, thirty-six percent of Washington's residents currently participate in bird watching, and the watchable wildlife industry brings nearly one billion dollars per year into the state's economy. The economic benefits delivered to rural economies in Washington by those choosing to recreate by hunting waterfowl or upland game birds is equally as impressive.

The legislature has long recognized the important role of waterfowl and upland game bird hunting and other sporting pursuits in both the state's economy and the quality of life for Washington residents. Additionally, the 2003 legislature recognized the economic value of promoting watchable wildlife and nature tourism when it required the departments of fish and wildlife and community, trade, and economic development to host a watchable wildlife and nature tourism conference and write a statewide strategic plan. The 2002 legislature recognized the value of identifying and conserving our state's biodiversity for future generations when it created the biodiversity task force and required a plan be developed to recommend ways to conserve biodiversity. Furthermore, over the past fifteen years, the legislature has recognized the important contributions volunteers and nonprofit organizations have made in restoring and monitoring salmon and wildlife habitat. Therefore, it is the goal of the legislature to promote: Partnerships with volunteers; rural economic development; nature tourism; and conservation of biodiversity by encouraging partnerships between state government agencies, volunteers, and nonprofit organizations to designate and conserve natural assets that attract nature tourists and bird watchers to Washington's rural areas.

To accomplish this goal, the legislature recognizes the scientific work by volunteer organizations to use internationally recognized scientific criteria and protocols to identify, conserve, and monitor areas of the state that are important for migrating and resident birds. Scientists, ornithologists, and qualified volunteers have identified important bird areas. Wildlife conservation organizations and their volunteers are working to develop mutually agreed-upon bird conservation plans and monitoring plans in cooperation with public land managers and private landowners. Volunteers and scientists in more than one hundred countries around the world have already completed identification of fourteen thousand two hundred sixty sites that qualify as important bird areas.

Qualified volunteers and scientists have already successfully used the international criteria to identify fifty-three sites important for birds in Washington. Following the final round of site selection, volunteer organizations plan to work with landowners, businesses, and local and state governments to develop plans to maintain or enhance sites that will then become destinations for nature tourists to promote rural economic development. Therefore, it is the intent of the legislature to have Washington participate in the recognition portion of the important bird area program by directing the natural heritage program at the department of natural resources to officially recognize important bird areas.

NEW SECTION. Sec. 2. A new section is added to chapter 79.70 RCW to read as follows:

(1) The program may use information collected by a qualifying nonprofit organization to recognize important bird areas. The program should, to the greatest extent possible, coordinate with and use internationally agreed-upon, scientific criteria and protocols developed by a qualifying nonprofit organization to officially recognize these sites throughout Washington. Prior to using information collected by a qualifying nonprofit organization, the program must verify that the information was collected by individuals trained in scientific data collection, wildlife biology, or ornithology.

(2) When the program recognizes an important bird area, that information will be included in the program's data bank. An important bird area shall not be designated as a natural area or a natural area preserve unless that area satisfies the substantive and procedural requirements for becoming a natural area or natural area preserve under this chapter.

(3) The qualifying nonprofit organization that collected the information used to recognize important bird areas should be available to work with interested landowners, businesses, and state and local governments to identify ways to maintain or enhance the important bird areas.

(4) The recognition of private property as an important bird area under this chapter, or the inclusion of private property in the program's data bank, does not confer nor imply any rights of access or trespass onto the important bird area without full knowledge and consent of the owner pursuant to any state statutory and common laws dealing with trespass and access to private property.

(5) Recognition of an important bird area does not require nor preclude critical area designation under chapter 36.70A RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 79.70 RCW to read as follows:

Prior to recognizing an important bird area under this chapter, the department must:

(1) Publish notice of the proposed important bird area in the Washington state register;

(2) Publish notice of the proposed important bird area in a newspaper of general circulation in the county where the proposed important bird area is located; and

(3) Conduct at least one public hearing in the county where the proposed important bird area is located.

Sec. 4. RCW 79.70.020 and 2003 c 334 s 548 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of natural resources.

(2) "Natural areas" and "natural area preserves" include such public or private areas of land or water which have retained their natural character, although not necessarily completely natural and undisturbed, or which are important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value and which are acquired or voluntarily registered or dedicated by the owner under this chapter.

(3) "Public lands" and "state lands" have the meaning set out in RCW 79.02.010.

(4) "Council" means the natural heritage advisory council as established in RCW 79.70.070.

(5) "Commissioner" means the commissioner of public lands.

(6) "Important bird area" means those areas jointly identified by the natural heritage program and a qualifying nonprofit organization using internationally recognized scientific criteria. These areas have been found to be necessary to conserve populations of wild waterfowl, upland game birds, songbirds and other birds native to and migrating through Washington, and contain the habitats that birds are dependent upon for breeding, migration, shelter, and sustenance.

(7) "Instrument of dedication" means any written document intended to convey an interest in real property pursuant to chapter 64.04 RCW.

~~((7))~~ (8) "Natural heritage resources" means the plant community types, aquatic types, unique geologic types, and special plant and animal species and their critical habitat as defined in the natural heritage plan established under RCW 79.70.030.

~~((8))~~ (9) "Plan" means the natural heritage plan as established under RCW 79.70.030.

~~((9))~~ (10) "Program" means the natural heritage program as established under RCW 79.70.030.

~~((10))~~ (11) "Qualifying nonprofit organization" means a national nonprofit organization, that conserves and restores natural ecosystems, focusing on birds, other wildlife, and their habitat.

(12) "Register" means the Washington register of natural area preserves as established under RCW 79.70.030."

Representatives Rockefeller and Sump spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Rockefeller, Sump and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2650.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2650 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2704, By Representatives Talcott, Haigh, Tom, Kenney, Anderson, Nixon, Carrell, Boldt, Kirby, Benson, Hunter, Jarrett, Priest, Skinner, Upthegrove, Shabro, Miloscia, Quall, Buck, Ruderman, Moeller, Rockefeller and Kagi

Providing standards for alternative learning experience programs.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2704 was substituted for House Bill No. 2704 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2704 was read the second time.

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

Representatives Talcott and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2704.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2704 and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Bush, Cox, Roach, Shabro and Sump - 5.

Excused: Representatives Edwards, Mastin and McMorris - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2704, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE HOUSE BILL NO. 2704.

RICHARD DEBOLT, 20th District

HOUSE BILL NO. 2920, By Representatives Pearson, Sump, Mielke, Boldt, Hinkle, Condotta and Buck

Allowing the creation of special economic fishery advisory committees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2920 was substituted for House Bill No. 2920 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2920 was read the second time.

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

Representatives Pearson and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2920.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2920 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

SUBSTITUTE HOUSE BILL NO. 2920, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3081, By Representative Rockefeller

Revising provisions relating to medical and dental care and testing for children in the care of the department of social and health services.

The bill was read the second time. There being no objection, Substitute House Bill No. 3081 was substituted for House Bill No. 3081 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3081 was read the second time.

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

Representatives Rockefeller and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3081.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3081 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

SUBSTITUTE HOUSE BILL NO. 3081, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3083, By Representatives Kagi, Boldt, Dickerson, Orcutt, Pettigrew and Darneille

Providing immunity for any person who cooperates with an investigation of child abuse or neglect.

The bill was read the second time. There being no objection, Substitute House Bill No. 3083 was substituted for House Bill No. 3083 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3083 was read the second time.

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

Representatives Kagi and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3083.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3083 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

SUBSTITUTE HOUSE BILL NO. 3083, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3116, By Representatives Murray, Cairnes, Sehlin, Sommers, McIntire, Lovick, Hatfield, Kenney, Morrell and Santos

Modifying tax exemptions for blood banks, bone or tissue banks, and comprehensive cancer centers.

The bill was read the second time. There being no objection, Substitute House Bill No. 3116 was substituted for House Bill No. 3116 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3116 was read the second time.

Representative McIntire moved the adoption of amendment (920):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature provided tax relief to blood, bone, and tissue banks in chapter 9, Laws of 1995 2nd sp. sess. The legislature finds that the availability of this tax relief for bone and tissue banks has been called into doubt as a result of litigation. The legislature intends to confirm its intent that bone and tissue banks are entitled to the tax relief provided by chapter 9, Laws of 1995 2nd sp. sess. Therefore, this act applies retroactively.

Sec. 2. RCW 82.04.324 and 1995 2nd sp.s. c 9 s 3 are each amended to read as follows:

(1) ~~((As used in this section-~~

~~(a) "Blood" includes human whole blood, plasma, blood derivatives, and related products.~~

~~(b) "Bone" includes human bone, bone marrow, and related products.~~

~~(c) "Tissue" includes human musculoskeletal tissue, musculoskeletal tissue derivatives, and related products.~~

~~(d) "Blood, bone, or tissue bank" means an organization exempt from federal income tax under section 501(c)(3) of the federal internal revenue code, organized solely for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.~~

~~(e) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a blood, tissue, or bone bank for the purpose of~~

performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

- (i) Provide preparatory treatment of blood, bone, or tissue;
 - (ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and
 - (iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.
- (f) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.
- (g) "Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.
- (h) "Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(2)) This chapter does not apply to amounts received by a qualifying blood(~~(-bone, or))~~ bank, a qualifying tissue (~~(banks))~~ bank, or a qualifying blood and tissue bank to the extent the amounts are exempt from federal income tax.

(2) For the purposes of this section:

(a) "Qualifying blood bank" means a blood bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 607 as existing on the effective date of this section, and whose primary business purpose is the collection, preparation, and processing of blood. "Qualifying blood bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

(b) "Qualifying tissue bank" means a tissue bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 1271 as existing on the effective date of this section, and whose primary business purpose is the recovery, processing, storage, labeling, packaging, or distribution of human eye tissue. "Qualifying tissue bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

(c) "Qualifying blood and tissue bank" is a bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 607 and part 1271 as existing on the effective date of this section, and whose primary business purpose is the collection, preparation, and processing of blood, and the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, and heart valve tissue. "Qualifying blood and tissue bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

Sec. 3. RCW 82.08.02805 and 1995 2nd sp.s. c 9 s 4 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale of medical supplies, chemicals, or materials to a qualifying blood(~~(-bone, or))~~ bank, a qualifying tissue bank, or a qualifying blood and tissue bank. (~~(The definitions in RCW 82.04.324 apply to this section.)~~) The exemption in this section does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) For the purposes of this section, the following definitions apply:

(a) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a qualifying blood bank, a qualifying tissue bank, or a qualifying blood and tissue bank for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

- (i) Provide preparatory treatment of blood, bone, or tissue;
- (ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and
- (iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(b) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(c) "Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(d) "Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(e) The definitions in RCW 82.04.324 apply to this section.

Sec. 4. RCW 82.12.02747 and 1995 2nd sp.s. c 9 s 5 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of medical supplies, chemicals, or materials by a qualifying blood~~((, bone, or))~~ bank, a qualifying tissue bank, or a qualifying blood and tissue bank. ~~((The definitions in RCW 82.04.324 apply to this section.))~~ The exemption in this section does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) The definitions in RCW 82.04.324 and 82.08.02805 apply to this section.

Sec. 5. RCW 84.36.035 and 1995 2nd sp.s. c 9 s 1 are each amended to read as follows:

(1) The following property shall be exempt from taxation:

All property, whether real or personal, belonging to or leased by any nonprofit corporation or association and used exclusively in the business of a qualifying blood~~((, bone, or))~~ bank, a qualifying tissue bank ~~((as defined in RCW 82.04.324)), or a qualifying blood and tissue bank, or in the administration of ~~((such business))~~ these businesses. If the real or personal property is leased, the benefit of the exemption shall inure to the nonprofit corporation or association.~~

(2) The definitions in RCW 82.04.324 apply to this section.

NEW SECTION. Sec. 6. This act applies retroactively to July 1, 1995."

Representative McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representative McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3116.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3116 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., February 16, 2004, the 36th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

THIRTY FOURTH DAY, FEBRUARY 14, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 16, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Susie DeBord and Brian Miloscia. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor John Stroeh, The Lutheran Church of the Good Shepherd, Olympia.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4697, By Representative Upthegrove

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

WHEREAS, The year 2004 marks the two hundred fifth anniversary of the death of America's Founding Father, George Washington; and

WHEREAS, George Washington's success in life was built upon the values instilled in him by his mother, Mary Ball Washington, who educated him at home; and

WHEREAS, George Washington is remembered as the "Father of His Country" and served his nation as its first Commander-in-Chief and President with unparalleled commitment and distinction; and

WHEREAS, George Washington showed great fortitude and courage as Commander-in-Chief of the Continental Army during the Revolutionary war and continued his distinguished service to his country as its first President; and

WHEREAS, The year 2004 marks the one hundred ninety-fifth anniversary of the birth of Abraham Lincoln; and

WHEREAS, Abraham Lincoln, of humble beginnings, being raised in a log cabin, cleared land and split rails, and although he gained the distinction of being a great statesman with impeccable morals, never lost sight of his humble beginnings or the values he shared with the common man; and

WHEREAS, Abraham Lincoln demonstrated great tenacity and commitment by educating himself in the profession of law and following an apprenticeship, earned the reputation of a skilled and talented member of the bar as well as an eloquent and accomplished orator; and

WHEREAS, Abraham Lincoln in his first term courageously faced the challenge of preserving the Union by leading the campaign to victory in the Civil War, yet in his second term embraced the concept of "Malice toward none, with charity for all" as he valiantly set about rebuilding the Union; and

WHEREAS, George Washington and Abraham Lincoln both served their country unselfishly, charitably, graciously, patriotically, and honorably and continue to be both an inspiration and example to all politicians and citizens;

NOW, THEREFORE, BE IT RESOLVED, That on this sixteenth day of February, 2004, the House of Representatives of the state of Washington honor the first and sixteenth Presidents of these United States for their immeasurable contributions to, and noble sacrifices for, the cause of liberty, equality, and justice.

Representative Upthegrove moved the adoption of the resolution.

Representatives Upthegrove and Rodne spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4697 was adopted.

HOUSE RESOLUTION NO. 2004-4694, By Representatives Kagi and Cody

WHEREAS, Amblyopia, which has its onset in childhood, is the most common cause of unilateral vision loss in adults; and

WHEREAS, Amblyopia affects 2 to 4% of people, or an estimated 160,000 people in Washington State; and

WHEREAS, Amblyopia is potentially reversible damage in the vision center of the brain resulting in vision loss which is caused most commonly by uncorrected refractive (focusing) errors and eye misalignment in childhood; and

WHEREAS, Early detection and treatment of amblyopia can restore normal vision; and

WHEREAS, Treatment to correct the visual loss in amblyopia must occur prior to 8 to 10 years of age; and

WHEREAS, Detection and treatment of amblyopia in preschool children improves visual outcomes as compared to detection at older ages; and

WHEREAS, Amblyopia can be detected by screening or examination in preschool children; and

WHEREAS, Therapy for amblyopia is highly cost-effective compared with many other interventions in health care; and

WHEREAS, There is strong consensus among eye care and primary care providers, including the American Academy of Pediatrics, the American Academy of Family Practice, the American Academy of Optometry, the American Academy of Ophthalmology, the American Optometric Association, and the American Association for Pediatric Ophthalmology and Strabismus, regarding the importance of screening for amblyopia during preschool years; and

WHEREAS, Reducing visual impairment in children and increasing the proportion of preschool children who receive vision screening are specific objectives of the current administration's national public health initiative, Healthy People 2010;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend parents in Washington state who have their children screened or examined for amblyopia and vision abnormalities before entering school; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington Academy of Pediatrics, the Washington Academy of Family Practice, The Optometric Physicians of Washington, the Washington Academy of Eye Physicians and Surgeons, the Washington State Medical Association, the American Academy of Pediatrics, the American Academy of Family Practice, the American Academy of Optometry, the American Academy of Ophthalmology, the American Optometric Association, and the American Association for Pediatric Ophthalmology and Strabismus.

HOUSE RESOLUTION NO. 4694 was adopted.

HOUSE RESOLUTION NO. 2004-4695, By Representatives Flannigan and Darneille

WHEREAS, Pierson Clair, a Tacoma resident and student at Bellarmine Preparatory School, achieved national recognition for exemplary volunteer service in receiving the 2004 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mr. Clair received the award for his remarkable leadership skills in founding a chapter of Habitat for Humanity at his school in 2002, and has since led a group of fellow students in helping to build three houses for low-income families; and

WHEREAS, Mr. Clair's motto, "I am just one human being with one hammer working to make a difference," is inspiring future students to pick up a hammer and become involved in their own communities; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Clair who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate Mr. Clair as a recipient of a Prudential Spirit of Community Award and recognize his outstanding record of volunteer service, peer leadership, and community spirit; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Clair.

HOUSE RESOLUTION NO. 4695 was adopted.

HOUSE RESOLUTION NO. 2004-4696, By Representatives Hunt, Ormsby, Hatfield, Cox, Wood, Newhouse, Schoesler, Jarrett and Blake

WHEREAS, The Washington State University Cougar football team finished the 2003 season ranked ninth in the nation; and

WHEREAS, The Cougars became the first Pacific-10 Conference team since 1931-1933 to win 10 games in three consecutive seasons, giving them a 30-8 record during that period; and

WHEREAS, During the past three years, the team has the ninth best winning record, 30-8, among major college football teams; and

WHEREAS, WSU defeated the fifth-ranked Texas Longhorns 28-20 in the 2003 Holiday Bowl with punter Kyle Basler winning defensive MVP and receiver Sammy Moore winning offensive MVP honors; and

WHEREAS, Seventeen Cougar players were named to the All-Pac 10 team, including first team members Josh Parrish, Will Derting, Jason David, Erik Coleman, and Drew Dunning; and

WHEREAS, WSU Head Coach Bill Doba was named Co-coach of the Year in the prestigious Pacific-10 Conference; and

WHEREAS, Kicker Drew Dunning, who became WSU's all-time leading scorer, was named a first team All-American; and

WHEREAS, Six Cougar players with grade point averages of 3.45 and higher were named to the Pac-10 All-Academic First Team; and

WHEREAS, The WSU team finished in second place in the Pac-10 in 2003, giving it third place, first place, and second place finishes for 2001, 2002, and 2003; and

WHEREAS, The team led the nation in takeaways with 48; its 24 fumble recoveries led the nation and its 24 interceptions were second; and

WHEREAS, Cougar players Erik Coleman, Jason David, D.D. Ancholonu, Isaac Brown, Matt Kegel, Sammy Moore, Josh Parrish, Jeremy Williams, and Drew Dunning were selected to play in postseason all star games;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate the Washington State Cougar football players and coaches on their third consecutive outstanding season; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Washington State University President V. Lane Rawlins, head coach Bill Doba, and captains of the team.

HOUSE RESOLUTION NO. 4696 was adopted.

INTRODUCTION & FIRST READING

HJM 4046 by Representatives Roach, Shabro, McDonald, Bush, Lantz, Carrell, Kirby, Flannigan, Campbell, Darneille, Morrell, Conway, McMahan and Talcott

Requesting funding for fish passage needs on the White River.

Referred to Committee on Fisheries, Ecology & Parks.

ESSB 6519 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Prentice, Winsley and Kline)

AN ACT Relating to third party utility billings; and adding a new chapter to Title 59 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 6680 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Esser, Spanel, Swecker, Oke, Prentice and Shin)

AN ACT Relating to freight mobility; amending RCW 47.26.084 and 47.66.030; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 47.26 RCW; adding a new section to chapter 46.68 RCW; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

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

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

SECOND READING SUSPENSION

HOUSE BILL NO. 1976, By Representatives Conway, Pettigrew, Talcott, Mielke, McCoy, Bush and Haigh

Providing a property tax exemption to widows or widowers of honorably discharged veterans.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1976 was read the second time.

The bill was placed on final passage.

Representatives Conway and Cairnes spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Santos, Representatives Edwards, Haigh and Schual-Berke were excused. On motion of Representative Clements, Representative Mielke were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1976.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1976 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Haigh, Mielke and Schual-Berke - 4.

SUBSTITUTE HOUSE BILL NO. 1976, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2507, By Representatives Conway, Bush, Morrell, Campbell, Chase and Moeller

Providing for the recoupment of county and city employee salary and wage overpayments.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2507 was read the second time.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2507.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2507 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Haigh, and Mielke - 3.

SUBSTITUTE HOUSE BILL NO. 2507, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3057, By Representatives Conway, Wood, McCoy, Kenney, Condotta and Chase; by request of Department of Labor & Industries

Conforming the social security offset provisions of Title 51 RCW to the modified federal social security retirement age and continuing to allow the state to implement an offset otherwise imposed by the federal government.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3057 was read the second time.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3057.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3057 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Haigh, and Mielke - 3.

SUBSTITUTE HOUSE BILL NO. 3057, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2870, By Representatives Romero, Murray, Edwards, Wood, Upthegrove and Santos

Making available relocation assistance payments to low-income tenants.

The bill was read the second time. There being no objection, SUBSTITUTE HOUSE BILL NO. 2870 was not substituted for House Bill No. 2870.

With the consent of the House, amendments (974), (795), (796), (819), (857) and (858) were withdrawn.

Representative Romero moved adoption of amendment (876):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The people of the state of Washington deserve decent, safe, and sanitary housing. Certain tenants in the state of Washington have remained in rental housing that does not meet the state's minimum standards for health and safety because they cannot afford to pay the costs of relocation in advance of occupying new, safe, and habitable housing. In egregious cases, authorities have been forced to condemn

property when landlords have failed to remedy building code or health code violations after repeated notice, and, as a result, families with limited financial resources have been displaced and left with nowhere to go.

The purpose of this act is to establish a process, consistent throughout the state, by which low-income tenants would receive funds for relocation from landlords who fail to provide safe and sanitary housing after due notice of building code or health code violations. It is also the purpose of this act to provide enforcement mechanisms to cities, towns, counties, or municipal corporations including the ability to advance relocation funds to tenants who are displaced as a result of a landlord's failure to remedy building code or health code violations and later to collect the full amounts of these relocation funds, along with interest and penalties, from landlords.

Sec. 2. RCW 59.18.085 and 1989 c 342 s 13 are each amended to read as follows:

(1) If a governmental agency responsible for the enforcement of a building, housing, or other appropriate code has notified the landlord that a dwelling is condemned or unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord shall not enter into a rental agreement for the dwelling unit until the conditions are corrected.

(2) If a landlord knowingly violates subsection (1) of this section, the tenant shall recover either three months' periodic rent or up to treble the actual damages sustained as a result of the violation, whichever is greater, costs of suit, or arbitration and reasonable attorneys' fees. If the tenant elects to terminate the tenancy as a result of the conditions leading to the posting, or if the appropriate governmental agency requires that the tenant vacate the premises, the tenant also shall recover:

- (a) The entire amount of any deposit prepaid by the tenant; and
- (b) All prepaid rent.

(3) If a governmental agency responsible for the enforcement of a building, housing, or other appropriate code has notified the landlord that a dwelling will be condemned or will be unlawful to occupy due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord shall be required to pay relocation assistance to the displaced low-income tenants, except that a landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order affects one or more units and results from conditions arising from a tenant's illegal conduct without the landlord's knowledge.

(a) Relocation assistance provided to low-income tenants under this subsection shall be the greater amount of two thousand dollars per dwelling unit or three times the monthly rent. The amount of relocation assistance shall be adjusted annually by the percentage change in the housing component of the consumer price index as published by the United States department of labor, bureau of labor statistics. In addition to relocation assistance, the landlord shall be required to pay to the displaced tenants the entire amount of any deposit prepaid by the tenant and all prepaid rent.

(b) "Low-income tenants" means tenants whose combined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside.

The department of community, trade, and economic development shall adopt rules defining county median income in accordance with the definitions promulgated by the federal department of housing and urban development.

(c) The landlord shall pay relocation assistance to eligible tenants within seven days of the governmental agency sending notice of the condemnation, eviction, or displacement order to the landlord. The landlord shall pay relocation assistance either by making individual payments by certified check to eligible tenants or by providing a certified check to the governmental agency ordering condemnation, eviction, or displacement, for distribution to tenants. If the landlord fails to complete payment of relocation assistance within the period required under this subsection, the city, town, county, or municipal corporation may advance the cost of the relocation assistance payments to the eligible tenants.

(d) During the period from the date that a governmental agency responsible for the enforcement of a building, housing, or other appropriate code first notifies the landlord of conditions that violate applicable codes, statutes, ordinances, or regulations to the time that relocation assistance payments are paid to eligible tenants, or the conditions leading to the notification are corrected, the landlord may not:

(i) Evict, harass, or intimidate tenants into vacating their units for the purpose of avoiding or diminishing application of this section;

(ii) Reduce services to any tenant; or

(iii) Materially increase or change the obligations of any tenant.

(e) If, after thirty days from the date that the city, town, county, or municipal corporation first advanced relocation assistance funds to the displaced tenants, a landlord has failed to repay the amount of relocation assistance advanced by the city, town, county, or municipal corporation under this section, then the city, town, county, or municipal corporation shall assess civil penalties in the amount of fifty dollars per day for each tenant to whom the city, town, county, or municipal corporation has advanced a relocation assistance payment.

(f) In addition to the penalties set forth in (e) of this subsection, interest will accrue on the amount of relocation assistance paid by the city, town, county, or municipal corporation for which the property owner has not reimbursed the city, town, county, or municipal corporation. The rate of interest shall be the maximum legal

rate of interest permitted under RCW 19.52.020, commencing thirty days after the date that the city first advanced relocation assistance funds to the displaced tenants.

(g) If the city, town, county, or municipal corporation must initiate legal action in order to recover the amount of relocation assistance payments that it has advanced to low-income tenants, including any interest and penalties under (e) and (f) of this subsection, the city, town, county, or municipal corporation shall be entitled to attorneys' fees and costs arising from its legal action.

(4) The government agency that has notified the landlord that a dwelling will be condemned or will be unlawful to occupy shall notify the displaced tenants that they may be entitled to relocation assistance under this section.

Sec. 3. RCW 35.80.030 and 1989 c 133 s 3 are each amended to read as follows:

(1) Whenever the local governing body of a municipality finds that one or more conditions of the character described in RCW 35.80.010 exist within its territorial limits, ~~((said))~~ that governing body may adopt ordinances relating to such dwellings, buildings, structures, or premises. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified ~~((herein. Said))~~ in this section. The board or officer may be an existing municipal board or officer in the municipality, or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by ~~((said))~~ the ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of ~~((said))~~ the board, which may be limited, if the local governing body chooses, to public officers ~~((as herein defined))~~ under this section.

(b) That if a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to ~~((said))~~ the public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, structure, or premises, the board or officer finds that it is unfit for human habitation or other use, he or she shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, structure, or premises is unfit for human habitation or other use. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and the board or officer makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of ~~((said))~~ the complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, structure, or ~~((premise [premises]))~~ premises is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(d) That the board or officer may determine that a dwelling, building, structure, or premises is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, structure, or premises which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with ~~((subdivision))~~ subsection (7)(a) ~~((herein))~~ of this section, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building, structure, or premises for other use.

(e) That the determination of whether a dwelling, building, structure, or premises should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, structure, or premises, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, structure, or premises, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or building or structure or premises is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in ~~((subdivision (1)))~~ (c) of this subsection, and shall post in a conspicuous place on

~~((said))~~ the property, an order ~~((which))~~ that (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper on the basis of the standards set forth as required in ~~((subdivision (1)))~~ (e) of this subsection; or (ii) requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper on the basis of ~~((said))~~ those standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, structure, or premises is located.

(g) That the owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under ~~((the provisions of subdivision))~~ (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality shall designate or establish a municipal agency to serve as the appeals commission. The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party in interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in ~~((subdivision))~~ subsection (2) of this section.

If the owner or party in interest, following exhaustion of his or her rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, the board or officer may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. For purposes of this subsection, the cost of vacating and closing shall include (i) the amount of relocation assistance payments that a property owner has not repaid to a municipality or other local government entity that has advanced relocation assistance payments to tenants under RCW 59.18.085 and (ii) all penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085. Upon certification to him or her by the treasurer of the municipality in cases arising out of the city or town or by the county improvement board or officer, in cases arising out of the county, of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020~~((, as now or hereafter amended,))~~ for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality. If the dwelling, building, structure, or premises is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, structure, ~~((or))~~ or premises in accordance with procedures set forth in ~~((said))~~ the ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

(2) Any person affected by an order issued by the appeals commission pursuant to ~~((subdivision (1)(f) hereof))~~ subsection (1)(g) of this section may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

(3) An ordinance adopted by the local governing body of the municipality may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others ~~((herein))~~ granted in this section: (a)(i) To determine which dwellings within the municipality are unfit for human habitation; (ii) to determine which buildings, structures, or premises are unfit for other use; (b) to administer oaths and affirmations, examine witnesses, and receive evidence; and (c) to investigate the dwelling and other property conditions in the municipality or county and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use: PROVIDED, That such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality adopting an ordinance pursuant to this chapter may appropriate the necessary funds to administer such ordinance.

(5) ~~((Nothing in))~~ This section ~~((shall be construed to))~~ does not abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) ~~((Nothing in))~~ This section ~~((shall be construed to))~~ does not impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality may ~~((f))~~ by ordinance adopted by its governing body ~~((g))~~ (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality ~~((r))~~ or county, (b) prescribe minimum standards for the use or occupancy of any building, structure, or premises used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, structure, or premises, ~~((which))~~ that is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance."

Correct the title.

Representative Schindler moved adoption of amendment (885) to amendment (876):

On page 2, line 13 of the amendment, after "(3)" insert "(a)"

On page 2, line 18 of the amendment, after "except that" insert ":",

On page 2, at the beginning of line 19 of the amendment, strike "a" and insert "(i) A"

On page 2, line 22 of the amendment, after "knowledge" insert ":", and
(ii) a landlord shall pay fifty percent of the relocation assistance required by this act if that landlord (A) purchases a multi-family dwelling that, when purchased, may be subject to conditions that could give rise to violations of applicable codes or laws and (B) makes a reasonable effort to rehabilitate the dwelling"

On page 2, at the beginning of line 23 of the amendment, strike "(a)" and insert "(b)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Schindler and Cairnes spoke in favor of adoption of the amendment to the amendment.

Representative Romero spoke against adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (855) to amendment (876) to House Bill No. 2870.

ROLL CALL

The Clerk called the roll on the adoption of amendment (855) to amendment (876) to House Bill No. 2870, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 51, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 44.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller,

Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representatives Edwards, Haigh and Mielke - 3.

Representative Romero moved the adoption of amendment (887) to amendment (876):

On page 2, line 13 of the amendment, after "(3)" insert "(a)"

On page 2, line 18 of the amendment, after "except that" insert ":",

On page 2, at the beginning of line 19 of the amendment, strike "a" and insert "(i) A"

On page 2, line 22 of the amendment, after "knowledge" insert ":", and

(ii) a landlord shall pay fifty percent of the relocation assistance required by this act if (A) that landlord purchases a multi-family dwelling that, when purchased, may be subject to conditions that could give rise to violations of applicable codes or laws, (B) that landlord makes a reasonable effort to rehabilitate the dwelling, and (C) the dwelling is subject to a condemnation or no occupancy order within six months of the date of the landlord's purchase of the dwelling"

On page 2, at the beginning of line 23 of the amendment, strike "(a)" and insert "(b)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Romero and Upthegrove spoke in favor of the adoption of the amendment to the amendment.

Representatives Schindler, Cairnes and Orcutt spoke against the adoption of the amendment to the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result was 50 - YEAS; 45 -NAYS. The amendment to the amendment was adopted.

Representative Schindler moved the adoption of amendment (894) to amendment (876):

On page 2, line 22 of the amendment, after "tenant's" strike "illegal"

Representatives Schindler and Cairnes spoke in favor of the adoption of the amendment to the amendment.

Representatives Romero and Moeller spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (894) to amendment (876) to House Bill No. 2870.

ROLL CALL

The Clerk called the roll on the adoption of amendment (894) to amendment (876) to House Bill No. 2870, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 51, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan,

McMorris, Morris, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representatives Edwards and Mielke - 2.

Representative Schindler moved the adoption of amendment (893) to amendment (876):

On page 2, line 24 of the amendment, after "shall be" strike "the greater amount of two thousand dollars per dwelling unit or"

Representative Schindler spoke in favor of the adoption of the amendment to the amendment.

Representative Romero spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Romero moved the adoption of amendment (888) to amendment (876):

On page 4, after line 13 insert

"(5) The powers and authority conferred by this act are in addition and supplemental to powers or authority conferred by any other law or authority, and do not limit any other powers or authority of any public agency."

On page 9, line 23, after "municipality" insert "to exercise its police power for the protection of the public's health, safety, or welfare, or"

Representative Romero spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Schindler moved the adoption of amendment (895) to the amendment 876):

On page 4, line 13 of the amendment, after "section" insert "within 48 hours of the landlord's notification of condemnation or an order of no occupancy"

Representatives Schindler and Romero spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

The amendment (876) as amended was adopted. The bill was ordered engrossed.

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

Representatives Romero, Eickmeyer and Ruderman spoke in favor of passage of the bill.

Representatives Schindler and Ahern spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2870.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2870 and the bill passed the House by the following vote: Yeas - 54, Nays - 42, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 42.

Excused: Representatives Edwards and Mielke - 2.

ENGROSSED HOUSE BILL NO. 2870, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING SUSPENSION

HOUSE BILL NO. 2055, By Representatives Morris, Crouse and Bush

Modifying the taxation of bundled telecommunications services.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2055 was read the second time.

The bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2055.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2055 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 2055, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2723, By Representatives Morris, Carrell, Kirby, Wood, Benson, Darneille, Pearson, O'Brien and Anderson

Prohibiting unauthorized recording of motion pictures.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2723 was read the second time.

The bill was placed on final passage.

Representative Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2723.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2723 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 2723, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2904, By Representatives Lovick, Moeller, Kirby, McMahan and Newhouse; by request of Department of Social and Health Services

Modifying estate adjudication provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2904 was substituted for House Bill No. 2904 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2904 was read the second time.

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

Representatives Lovick and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2904.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2904 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Alexander and Holmquist - 2.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 2904, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1328, By Representatives Fromhold, Cairnes, Sullivan, Veloria, Skinner, Alexander, Morris, Moeller, Benson, Darneille, Linville, Jarrett, Miloscia, Clibborn, Cox, Pettigrew, Clements, McCoy, Campbell, Romero, O'Brien, Talcott, Ahern, Schindler, Hinkle, Hunt, Rockefeller, Wallace, Quall, Conway, Flannigan, Chase, Blake, G. Simpson, Upthegrove, Kenney, Newhouse, Buck, Woods and Bush

Clarifying that boarding homes are not subject to taxation under chapter 82.04 RCW.

The bill was read the second time. There being no objection, Substitute House Bill No. 1328 was substituted for House Bill No. 1328 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1328 was read the second time.

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

Representatives Fromhold and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1328.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1328 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 1328, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2347, By Representatives McDonald, Morrell, Edwards and Hinkle

Authorizing additional sales tax authority for public facilities districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 2347 was substituted for House Bill No. 2347 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2347 was read the second time.

Representative Morrell moved the adoption of amendment (896):

On page 2, line 11, after "2005." strike the material through "collected." on line 14 and insert: "The tax imposed in this section expires on the earlier of: (a) the date when the bonds issued for the construction of the cultural center and related parking facilities are retired, (b) twenty years after the tax is first collected, or (c) the date when the cumulative total of taxes collected has exceeded eighteen million dollars."

Representative Morrell spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives McDonald and Morrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2347.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2347 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Boldt and Orcutt - 2.

Excused: Representative Mielke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2519, By Representatives Hatfield, Blake, Crouse and Kagi

Authorizing voter approved property tax levies for criminal justice purposes.

The bill was read the second time.

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

Representatives Hatfield and Cairnes spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2519.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2519 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Orcutt and Roach - 3.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 2519, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 2519.

BRUCE CHANDLER, 15th District

HOUSE BILL NO. 2732, By Representatives Tom, Morris, Ruderman, Sullivan, Nixon, Crouse, Clements, Hudgins, Pearson, Jarrett and Wood

Establishing tax deferrals for wood biomass fuel investment projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 2732 was substituted for House Bill No. 2732 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2732 was read the second time.

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

Representatives Tom and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2732.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2732 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Delvin and McMahan - 2.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 2732, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2921, By Representatives Fromhold, Conway, McIntire, Campbell, Blake and G. Simpson

Avoiding fragmentation in bargaining units for classified school employees.

The bill was read the second time.

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

Representatives Fromhold and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2921.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2921 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

HOUSE BILL NO. 2921, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3103, By Representatives Kenney, Cox, Fromhold, Priest, Morrell, Hudgins, McCoy, McDermott, Haigh, G. Simpson and Santos

Revising provisions for higher education.

The bill was read the second time. There being no objection, Substitute House Bill No. 3103 was substituted for House Bill No. 3103 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3103 was read the second time.

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

Representatives Kenney, Cox and Mastin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3103.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3103 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 3103, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3124, By Representatives Miloscia and Jarrett

Allowing a general contractor/construction manager to perform more than thirty percent of a project when it involves tunneling.

The bill was read the second time. There being no objection, Substitute House Bill No. 3124 was substituted for House Bill No. 3124 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3124 was read the second time.

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

Representative Miloscia spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3124.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3124 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Kristiansen, Nixon and Pearson - 3.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 3124, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3158, By Representatives McIntire, Kessler and Edwards

Exempting from sales and use tax computer equipment used primarily in printing or publishing.

The bill was read the second time. There being no objection, Substitute House Bill No. 3158 was substituted for House Bill No. 3158 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3158 was read the second time.

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

Representatives McIntire, Cairnes and Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3158.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3158 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Moeller - 1.

Excused: Representative Mielke - 1.

SUBSTITUTE HOUSE BILL NO. 3158, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1517, By Representatives Cooper, G. Simpson, Conway, Sullivan and Wallace

Establishing objectives for certain fire department services.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1517 was substituted for Substitute House Bill No. 1517 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1517 was read the second time.

Representative Nixon moved the adoption of amendment (914):

On page 3, beginning on line 26, after "establish" strike "the following time objectives" and insert "time objectives for the following measurements"

On page 3, line 28, strike all of subsection (a) and insert "(a) Turnout time;"

On page 3, line 29, after "(b)" strike "Four minutes or less response" and insert "Response"

On page 3, line 30, after "incident" strike ", or eight minutes or less" and insert "and"

On page 3, line 33, after "(c)" strike "Four minutes or less response" and insert "Response"

On page 3, line 36, after "(d)" strike "Eight minutes or less response" and insert "Response"

On page 4, line 5, after "objective" strike "specified in" and insert "established under"

Representatives Nixon and Moeller spoke in favor of the adoption of the amendment.

Representative Cooper spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Cooper, Nixon and Hinkle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1517.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1517 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Mielke - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1517, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2275, By Representatives Mastin and Dunshee

Expanding the criteria for habitat conservation programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2275 was substituted for House Bill No. 2275 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2275 was read the second time.

With the consent of the House, amendment (881) was withdrawn.

Representative Mastin moved the adoption of amendment (969):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.15.010 and 1990 1st ex.s. c 14 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Committee" means the interagency committee for outdoor recreation.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Farmlands" means any land defined as "farm and agricultural land" in RCW 84.34.020(2).

(5) "Local agencies" means a city, county, town, federally recognized Indian tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

~~((5))~~ (6) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

~~((6))~~ (7) "Riparian habitat" means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

(8) "Special needs populations" means physically restricted people or people of limited means.

~~((7))~~ (9) "State agencies" means the state parks and recreation commission, the department of natural resources, the department of general administration, and the department of fish and wildlife.

(10) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

~~((8))~~ (11) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

~~((9))~~ (12) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

Sec. 2. RCW 79A.15.030 and 2000 c 11 s 66 are each amended to read as follows:

(1) Moneys appropriated for this chapter shall be divided ~~((equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter))~~ as follows:

(a) Appropriations for a biennium of forty million dollars or less must be allocated equally between the habitat conservation account and the outdoor recreation account.

(b) If appropriations for a biennium total more than forty million dollars, the money must be allocated as follows: (i) Twenty million dollars to the habitat conservation account and twenty million dollars to the outdoor recreation account; (ii) any amount over forty million dollars up to fifty million dollars shall be allocated as follows: (A) Ten percent to the habitat conservation account; (B) ten percent to the outdoor recreation account; (C) forty percent to the riparian protection account; and (D) forty percent to the farmlands preservation account; and (iii) any remaining amounts over fifty million dollars must be allocated as follows: (A) Thirty percent to the

habitat conservation account; (B) thirty percent to the outdoor recreation account; (C) thirty percent to the riparian protection account; and (D) ten percent to the farmlands preservation account.

(2) ~~Except as otherwise provided in this act, moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.~~

(3) All moneys deposited in the habitat conservation ~~((and)),~~ outdoor recreation, riparian protection, and farmlands preservation accounts shall be allocated as provided under RCW 79A.15.040 ~~((and)),~~ 79A.15.050, and sections 5 and 6 of this act as grants to state or local agencies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The committee may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter.

(4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public ~~((on a nondiscriminatory basis)).~~

(5) The committee may make grants to an eligible project from ~~((both))~~ the habitat conservation ~~((and)),~~ outdoor recreation, riparian protection, and farmlands preservation accounts and any one or more of the applicable categories under such accounts described in RCW 79A.15.040 ~~((and)),~~ 79A.15.050, and sections 5 and 6 of this act.

(6) The committee may accept private donations to the habitat conservation account, the outdoor recreation account, the riparian protection account, and the farmlands preservation account for the purposes specified in this chapter.

(7) The committee may apply up to three percent of the funds appropriated for this chapter for the administration of the programs and purposes specified in this chapter.

Sec. 3. RCW 79A.15.040 and 1999 c 379 s 917 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

- (a) Not less than ~~((thirty five))~~ forty-five percent for the acquisition and development of critical habitat;
- (b) Not less than ~~((twenty))~~ thirty percent for the acquisition and development of natural areas;
- (c) Not less than ~~((fifteen))~~ twenty percent for the acquisition and development of urban wildlife habitat;

and

(d) ~~((The remaining amount shall be considered unallocated and))~~ Not less than five percent shall be used by the committee to fund ~~((high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997))~~ restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for ~~((critical habitat and))~~ natural areas projects under subsection (1)~~((a))~~ ~~((b))~~ ~~((and (d)))~~ of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a), and (c) ~~((and (d)))~~ of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of sections 10 and 11 of this act.

Sec. 4. RCW 79A.15.050 and 2003 c 184 s 1 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than ~~((twenty five))~~ thirty percent to the state parks and recreation commission for the acquisition, ~~((and))~~ renovation, or development of state parks, with at least ~~((seventy five))~~ fifty percent of ~~((this))~~ the money for acquisition costs~~((— However, between July 27, 2003, and June 30, 2009, at least fifty percent of this money for the acquisition and development of state parks must be used for acquisition costs))~~;

(b) Not less than ~~((twenty five))~~ thirty percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ~~((ten))~~ fifteen percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) Not less than five percent for development and renovation projects on state recreation lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on their existing recreation lands; and

(f) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) Only state and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) Only state and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 79A.15 RCW to read as follows:

(1) The riparian protection account is established in the state treasury. The committee must administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the committee.

(2) Moneys appropriated for this chapter to the riparian protection account must be distributed for the acquisition and enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under subsection (9)(a) of this section, must include the acquisition of a real property interest in order to be eligible. At least fifty percent of riparian protection account funds must be used for the acquisition of real property interests.

(3) State and local agencies and lead entities under chapter 77.85 RCW may apply for acquisition and enhancement or restoration funds for riparian habitat projects under subsection (1) of this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

(4) The committee may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the committee to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(7) The committee may not approve a local project where the local agency share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local agency's share.

(8) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due under chapter 84.34 RCW.

(9) In determining acquisition priorities with respect to the riparian protection account, the committee must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be highly considered in the process. Such applications are also eligible for an additional conservation lease of at least twenty-five years of duration.

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether there is an immediate threat to the site;

(e) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(f) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process; and

(g) Whether the site has educational or scientific value.

(10) Before November 1st of each even-numbered year, the committee will recommend to the governor a prioritized list of projects to be funded under this section. The governor may remove projects from the list recommended by the committee and will submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

NEW SECTION. Sec. 6. A new section is added to chapter 79A.15 RCW to read as follows:

(1) The farmlands preservation account is established in the state treasury. The committee will administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the committee. Moneys appropriated for this chapter to the farmlands preservation account must be distributed for the acquisition and preservation of farmlands in order to maintain the opportunity for agricultural activity upon these lands.

(2) Moneys appropriated for this chapter to the farmlands preservation account must be distributed for the fee simple or less than fee simple acquisition of farmlands, and for the enhancement or restoration of ecological functions on those properties. In order for a farmland preservation grant to provide for an environmental enhancement or restoration project, the project must include the acquisition of a real property interest in perpetuity. If a city or county acquires a property through this program in fee simple, the city or county shall endeavor to secure preservation of the property through placing a conservation easement, or other form of deed restriction, on the property which dedicates the land to agricultural use and retains one or more property rights in perpetuity. Once an easement or other form of deed restriction is placed on the property, the city or county shall seek to sell the property, at fair market value, to a person or persons who will maintain the property in agricultural production. Any moneys from the sale of the property shall either be used to purchase interests in additional properties which meet the criteria in subsection (8) of this section, or to repay the grant from the state which was originally used to purchase the property.

(3) Cities and counties may apply for acquisition and enhancement or restoration funds for farmland preservation projects within their jurisdictions under subsection (1) of this section.

(4) The committee may adopt rules establishing acquisition and enhancement or restoration policies and priorities for distributions from the farmlands preservation account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the committee to fund staff positions or other overhead expenses, or by a city or county to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(7) The committee may not approve a local project where the local agency's share is less than the amount to be awarded from the farmlands preservation account. In-kind contributions, including contributions of a real property interest in land, may be used to satisfy the local agency's share.

(8) In determining the acquisition priorities, the committee must consider, at a minimum, the following criteria:

- (a) Community support for the project;
- (b) A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort;
- (c) The likelihood of the conversion of the site to nonagricultural or more highly developed usage;
- (d) Consistency with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;
- (e) Benefits to salmonids;
- (f) Benefits to other fish and wildlife habitat;
- (g) Integration with recovery efforts for endangered, threatened, or sensitive species;
- (h) The viability of the site for continued agricultural production, including, but not limited to:
 - (i) Soil types;
 - (ii) On-site production and support facilities such as barns, irrigation systems, crop processing and storage facilities, wells, housing, livestock sheds, and other farming infrastructure;
 - (iii) Suitability for producing different types or varieties of crops;
 - (iv) Farm-to-market access;
 - (v) Water availability; and
 - (i) Other community values provided by the property when used as agricultural land, including, but not limited to:
 - (i) Viewshed;
 - (ii) Aquifer recharge;
 - (iii) Occasional or periodic collector for storm water runoff;
 - (iv) Agricultural sector job creation;
 - (v) Migratory bird habitat and forage area; and
 - (vi) Educational and curriculum potential.

(9) In allotting funds for environmental enhancement or restoration projects, the committee will require the projects to meet the following criteria:

- (a) Enhancement or restoration projects must further the ecological functions of the farmlands;
- (b) The projects, such as fencing, bridging watercourses, replanting native vegetation, replacing culverts, clearing of waterways, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;
- (c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results; and
- (d) The projects should enhance the viability of the preserved farmland to provide agricultural production while conforming to any legal requirements for habitat protection.

(10) Before November 1st of each even-numbered year, the committee will recommend to the governor a prioritized list of all projects to be funded under this section. The governor may remove projects from the list recommended by the committee and must submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

Sec. 7. RCW 79A.15.060 and 2000 c 11 s 67 are each amended to read as follows:

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Except as provided in RCW 79A.15.030(7), moneys appropriated for this chapter may not be used by the committee to fund ((additional)) staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation ((and)) or maintenance of areas acquired under this chapter((, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997)).

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) ~~((Except as provided in subsection (5) of this section,))~~ The committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) ~~((During the fiscal biennium ending June 30, 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.~~

~~(6))~~ In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support for the project;

(ii) Recommendations as part of a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort, and for projects primarily intended to benefit salmon, limiting factors or critical pathways analysis;

~~((iii))~~ (iii) Immediacy of threat to the site;

~~((iv))~~ (iv) Uniqueness of the site;

~~((v))~~ (v) Diversity of species using the site;

~~((vi))~~ (vi) Quality of the habitat;

~~((vii))~~ (vii) Long-term viability of the site;

~~((viii))~~ (viii) Presence of endangered, threatened, or sensitive species;

~~((ix))~~ (ix) Enhancement of existing public property;

~~((x))~~ (x) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130; ~~((and~~

~~((xi))~~ (xi) Educational and scientific value of the site;

(xii) Integration with recovery efforts for endangered, threatened, or sensitive species;

(xiii) For critical habitat proposals by local agencies, the statewide significance of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

~~((7))~~ (6) Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 79A.15.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

~~((8))~~ (7) Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 79A.15.040(1) (a) and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 8. RCW 79A.15.070 and 2000 c 11 s 68 are each amended to read as follows:

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Except as provided in RCW 79A.15.030(7), moneys appropriated for this chapter may not be used by the committee to fund ~~((additional))~~ staff or other overhead expenses, or by a state, regional, or local agency to fund operation ~~((and))~~ or maintenance of areas acquired under this chapter~~((, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997)).~~

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition and development, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Community support for the project;

(ii) Immediacy of threat to the site;

(iii) Linkage between communities;

(iv) Linkage between trails;

(v) Existing or potential usage;

(vi) Consistency with ~~((an existing))~~ a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130;

(vii) Availability of water access or views;

(viii) Enhancement of wildlife habitat; and

(ix) Scenic values of the site.

(b) For water access proposals:

(i) Community support for the project;

(ii) Distance from similar water access opportunities;

(iii) Immediacy of threat to the site;

(iv) Diversity of possible recreational uses; ~~((and))~~

(v) Public demand in the area; and

(vi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130.

(7) Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 79A.15.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 79A.15.050(1) (b), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 9. RCW 79A.15.080 and 1990 1st ex.s. c 14 s 9 are each amended to read as follows:

The committee shall not sign contracts or otherwise financially obligate funds from the habitat conservation account ~~((or))~~, the outdoor recreation account, the riparian protection account, or the farmlands

preservation account as provided in this chapter before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the governor.

NEW SECTION. Sec. 10. A new section is added to chapter 79.70 RCW to read as follows:

The state treasurer, on behalf of the department, must distribute to counties for all lands acquired for the purposes of this chapter an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW, plus an additional amount equal to the amount of weed control assessment that would be due if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due under chapter 84.34 RCW. The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

NEW SECTION. Sec. 11. A new section is added to chapter 79.71 RCW to read as follows:

The state treasurer, on behalf of the department, must distribute to counties for all lands acquired for the purposes of this chapter an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW, plus an additional amount equal to the amount of weed control assessment that would be due if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due under chapter 84.34 RCW. The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

Sec. 12. RCW 84.33.140 and 2003 c 170 s 5 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
	1	\$234
1	2	229
	3	217
	4	157
	1	198
2	2	190
	3	183

		4	132
		1	154
3		2	149
		3	148
		4	113
		1	117
4		2	114
		3	113
		4	86
		1	85
5		2	78
		3	77
		4	52
		1	43
6		2	39
		3	39
		4	37
		1	21
7		2	21

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

- (d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
 - (e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;
 - (f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
 - (g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;
 - (h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h); or
 - (i) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place after July 22, 2001, and on or before July 22, 2003, and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(i).
- (14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:
- (a) An action described in subsection (13) of this section; or
 - (b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 13. RCW 77.12.203 and 1990 1st ex.s. c 15 s 11 are each amended to read as follows:

- (1) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.
- (2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.
- (3) This section shall not apply to lands transferred after April 23, 1990, to the department from other state agencies.
- (4) The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

NEW SECTION. Sec. 14. This act takes effect July 1, 2005."

Correct the title.

Representative Cox moved the adoption of amendment (982) to amendment (969):

On page 3 of the amendment, after line 26, insert the following:

"(6) The department of natural resources shall not purchase productive agriculture land in this state with grants received under this chapter unless the land has been advertised for at least ninety days through a Washington state real estate brokerage firm."

Renumber remaining subsections consecutively and correct internal references accordingly.

Representative Cox spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Orcutt moved the adoption of amendment (974) to amendment (969):

On page 5 of the amendment, after line 2, insert the following:

"(6) When any state agency receives a grant to acquire timber land under this section after the effective date of this act, the agency is subject to a timber severance charge as follows: the agency shall pay an amount equal to five percent of the value of the timber on the acquired property to the appropriate county within sixty days of acquiring the land. A county receiving a payment under this subsection shall distribute the amount received to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property."

Representative Orcutt spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representatives Mastin and Dunshee spoke in favor of amendment (969).

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Mastin and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2275.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2275 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Bailey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Armstrong, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Orcutt, Pearson, Roach, Schindler, Schoesler, Shabro, Skinner, Sump, Talcott and Woods - 33.

Excused: Representative Mielke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2275, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2689, By Representatives Eickmeyer, Buck, Miloscia, Schoesler, Hatfield, Armstrong, Haigh, Skinner, Kessler, Orcutt, Grant, Pearson, Ruderman, Campbell, Blake, Fromhold, Kenney, Woods, Linville and Rockefeller; by request of Governor Locke

Extending tax incentives in rural counties expiring in 2003 or 2004.

The bill was read the second time. There being no objection, Substitute House Bill No. 2689 was substituted for House Bill No. 2689 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2689 was read the second time.

Representative Sehlin moved the adoption of amendment (972):

On page On page 4, line 29, strike all of subsection (f) and insert the following:
"(f) "Rural county" means the same as in RCW 82.14.370."

On page 6, line 19, strike all of subsection (b) and insert the following:
"(b) "Rural county" means the same as in RCW 82.14.370."

On page 6, line 31, strike all of subsection (3) and insert the following:
"(3) "Eligible area" means a ~~((county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th))~~ rural county as defined in RCW 82.14.370."

Representatives Sehlin and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Kessler moved the adoption of amendment (884):

On page 6, line 35, strike "that portion of"

On page 6, beginning on line 36, after "project" strike all material through "(i) In" on page 7, line 1 and insert "in"

On page 7, beginning on line 2, after "section" strike all material through "requested" on line 5

On page 9, line 25, after "each" strike all material through "fifteen" and insert "seven hundred fifty"

Beginning on page 11, line 36, after "(3)" strike all material through "(4)" on page 12, line 4

Renumber remaining subsection consecutively.

Representatives Kessler and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Eickmeyer, Orcutt, McIntire, Mastin and McDonald spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2689.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2689 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Moeller and Ormsby - 2.

Excused: Representative Mielke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2689, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 2786, By Representatives Cody, Campbell, Morrell, Schual-Berke, Lantz, Clibborn, G. Simpson, Moeller, Upthegrove and Kagi

Improving patient safety practices.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2786 was substituted for House Bill No. 2786 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2786 was read the second time.

Representative Cody moved the adoption of amendment (968):

On page 3, line 9, after "program" insert "and the department shall assure that all rules relating to coordinated quality improvement programs and the sharing of individually identifiable patient information by these programs comply with these laws"

On page 6, line 4, after "program" insert "and the department shall assure that all rules relating to coordinated quality improvement programs and the sharing of individually identifiable patient information by these programs comply with these laws"

On page 9, line 15, after "program" insert "and the department shall assure that all rules relating to coordinated quality improvement programs and the sharing of individually identifiable patient information by these programs comply with these laws"

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2786.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2786 and the bill passed the House by the following vote: Yeas - 78, Nays - 20, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Bailey, Benson, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 78.

Voting nay: Representatives Alexander, Anderson, Armstrong, Buck, Chandler, Clements, Condotta, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Nixon, Roach, Rodne, Schindler, Sehlin and Woods - 20.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2786, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3197, By Representatives Schual-Berke, Kagi, Cody, Lantz, Morrell, Clibborn and Rockefeller

Requiring the reporting and analysis of medical malpractice related information.

The bill was read the second time.

Representative Carrell moved the adoption of amendment (986):

On page 2, line 8, after "(7)" insert ""Legal services provider" means an attorney licensed or otherwise authorized to practice law in Washington and any professional services corporation or other entity that provides legal services to a claimant.

(8)"

On page 3, line 26, after "damages," insert "as defined in RCW 4.56.250,"

On page 3, line 28, after "damages" insert ", as defined in RCW 4.56.250"

On page 5, after line 25, insert the following:

NEW SECTION. Sec. 6. (1) Beginning on March 1, 2005, every legal services provider that provides legal services to a claimant in Washington state with the expectation of receiving compensation under a contract or other agreement for providing such services must report to the commissioner by the first of each month any claim related to medical malpractice for which the legal services provider provided legal services, if the claim resulted in a final:

(a) Judgment in any amount;
(b) Settlement in any amount; or
(c) Disposition of a medical malpractice claim resulting in no payment obtained by the legal services provider by or on behalf of a claimant for whom the legal services provider provided services.

(2) Reports under this section must be filed with the commissioner within thirty days after the claim is resolved.

(3) The commissioner may impose a fine against any legal services provider that violates the requirements of this section.

NEW SECTION. Sec. 7. The reports required under section 6 of this act must contain the following data in a form prescribed by the commissioner for each claim:

(1) The legal services provider's name, address, professional license number, and type of legal practice or expertise for which the legal services provider has malpractice insurance; the name of the legal services provider's firm, if not a sole practitioner, and the location of the legal services provider's main place of business; and the names and professional license numbers, if applicable, of all other legal services providers providing services to the claimant relating to the claim. This information is confidential and exempt from public disclosure, but may be disclosed publicly if the provider or firm provides written consent;

- (2) The date the claimant entered into a legal services contract or other agreement with the legal services provider;
- (3) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly;
- (4) The fee customarily charged in the locality for similar legal services;
- (5) The experience, reputation, and ability of the legal services provider or providers performing the legal services;
- (6) Whether the fee for the legal services was fixed or contingent;
- (7) Whether the fixed or contingent fee agreement was in writing;
- (8) The terms of the fee agreement;
- (9) The name and address of the claimant. This information is confidential and exempt from public disclosure, but may be disclosed publicly, if the claimant provides written consent;
- (10) The date of suit, if filed;
- (11) The claimant's age and sex;
- (12) Specific information about the judgment or settlement including:
 - (a) The date and amount of any judgment or settlement;
 - (b) Whether the settlement:
 - (i) Was the result of an arbitration, judgment, or mediation; and
 - (ii) Occurred before or after trial;
 - (c) The dollar amount originally demanded, designated, or sought in any judgment or settlement;
 - (d) The dollar amount actually obtained in any judgment or settlement;
 - (e) The dollar amount of any judgment or settlement that was paid out to the claimant;
 - (f) An itemization of:
 - (i) Economic damages, as defined in RCW 4.56.250, including incurred and anticipated medical expense and lost wages;
 - (ii) Noneconomic damages, as defined in RCW 4.56.250;
 - (iii) Loss adjustment expense, including but not limited to court costs, attorneys' fees, and costs of expert witnesses;
 - (g) If there is no judgment or settlement:
 - (i) The date and reason for final disposition; and
 - (ii) The date the case was closed;
- (13) A summary of the occurrence that created the claim, which must include:
 - (a) The final diagnosis for which the patient sought or received treatment;
 - (b) A description of any misdiagnosis made by the provider of the actual condition of the patient;
 - (c) The operation, diagnostic, or treatment procedure that caused the injury; and
 - (d) A description of the principal injury that led to the claim; and
- (14) Any other information required by the commissioner, by rule, that helps the commissioner analyze and evaluate the nature, causes, location, cost, and damages involved in medical malpractice cases.

NEW SECTION. Sec. 8. Beginning in 2006, the commissioner must prepare an annual report by June 30th that summarizes and analyzes the reports for medical malpractice filed by legal services providers under section 6 of this act. The report must include an analysis of reports of prior years for which data are collected and must show:

- (1) Trends in the availability, quality, and cost of legal services provided to claimants;
- (2) The proportionate share of settlements or awards that go to legal services providers; and
- (3) The proportionate share of settlements or awards that are received by claimants.

NEW SECTION. Sec. 9. Nothing in sections 6 through 8 of this act require a legal services provider to disclose information that is protected by the attorney-client privilege under RCW 5.60.060(2)."

On page 5, line 28, strike "6" and insert "10"

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Carrell, Benson, Schual-Berke and Carrell (again) spoke in favor of the adoption of the amendment.

Representative G. Simpson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (986) to House Bill No. 3197.

ROLL CALL

The Clerk called the roll on the adoption of amendment (986) to House Bill No. 3197, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Linville, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 48.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Representative Schual-Berke moved the adoption of amendment (995):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Claim" means a demand for payment of a loss caused by medical malpractice.
 - (a) Two or more claims arising out of a single injury or incident of medical malpractice is one claim.
 - (b) A series of related incidents of medical malpractice is one claim.
- (2) "Claimant" means a person filing a claim against a health care provider or health care facility.
- (3) "Commissioner" means the insurance commissioner.
- (4) "Health care facility" or "facility" means a clinic, diagnostic center, hospital, laboratory, mental health center, nursing home, office, surgical facility, treatment facility, or similar place where a health care provider provides health care to patients.
- (5) "Health care provider" or "provider" means a health care provider as defined in RCW 48.43.005.
- (6) "Insuring entity" means:
 - (a) An insurer;
 - (b) A joint underwriting association;
 - (c) A risk retention group; or
 - (d) An unauthorized insurer that provides surplus lines coverage.
- (7) "Medical malpractice" means a negligent act, error, or omission in providing or failing to provide professional health care services, failure to obtain informed consent, or breach of promise of a particular result.

NEW SECTION. Sec. 2. (1) Beginning on April 1, 2005, every insuring entity or self-insurer that provides medical malpractice insurance to any facility or provider in Washington state must report to the commissioner by the first of each quarter any claim related to medical malpractice, if the claim resulted in a final:

- (a) Judgment in any amount;
- (b) Settlement in any amount; or
- (c) Disposition of a medical malpractice claim resulting in no indemnity payment on behalf of an insured.

(2) If a claim is not reported by an insuring entity or self-insurer under subsection (1) of this section due to limitations in the medical malpractice coverage of a facility or provider, the facility or provider must report the claim to the commissioner.

(3) Reports under this section must be filed with the commissioner within sixty days after the claim is resolved.

(4)(a) The commissioner may impose a fine of up to two hundred fifty dollars per day per case against any insuring entity or surplus lines producer that violates the requirements of this section. The total fine per case may not exceed ten thousand dollars.

(b) The department of health may impose a fine of up to two hundred fifty dollars per day per case against any facility or provider that violates the requirements of this section. The total fine per case may not exceed ten thousand dollars.

NEW SECTION. Sec. 3. The reports required under section 2 of this act must contain the following data in a form prescribed by the commissioner for each claim:

(1) The health care provider's name, address, provider professional license number, and type of medical specialty for which the provider is insured; the name of the facility, if any, and the location within the facility where the injury occurred; and the names and professional license numbers if applicable, of all defendants involved in the claim. This information is confidential and exempt from public disclosure, but may be disclosed:

(a) Publicly, if the provider or facility provides written consent; or

(b) To the commissioner at any time for the purpose of identifying multiple or duplicate claims arising out of the same occurrence;

(2) The provider or facility policy number or numbers;

(3) The date of the loss;

(4) The date the claim was reported to the insuring entity, self-insurer, facility, or provider;

(5) The name and address of the claimant. This information is confidential and exempt from public disclosure, but may be disclosed:

(a) Publicly, if the claimant provides written consent; or

(b) To the commissioner at any time for the purpose of identifying multiple or duplicate claims arising out of the same occurrence;

(6) The date of suit, if filed;

(7) The claimant's age and sex;

(8) Specific information about the judgment or settlement including:

(a) The date and amount of any judgment or settlement;

(b) Whether the settlement:

(i) Was the result of an arbitration, judgment, or mediation; and

(ii) Occurred before or after trial;

(c) An itemization of:

(i) Economic damages, such as incurred and anticipated medical expense and lost wages;

(ii) Noneconomic damages;

(iii) Allocated loss adjustment expense, including but not limited to court costs, attorneys' fees, and costs of expert witnesses; and

(d) If there is no judgment or settlement:

(i) The date and reason for final disposition; and

(ii) The date the claim was closed;

(9) A summary of the occurrence that created the claim, which must include:

(a) The final diagnosis for which the patient sought or received treatment;

(b) A description of any misdiagnosis made by the provider of the actual condition of the patient;

(c) The operation, diagnostic, or treatment procedure that caused the injury;

(d) A description of the principal injury that led to the claim; and

(e) The safety management actions the facility or provider has taken to make similar occurrences or injuries less likely in the future. This reporting requirement does not create a legal duty on the part of a facility or provider to implement safety management actions; and

(10) Any other information required by the commissioner, by rule, that helps the commissioner analyze and evaluate the nature, causes, location, cost, and damages involved in medical malpractice cases.

NEW SECTION. Sec. 4. The commissioner must prepare aggregate statistical summaries of closed claims based on calendar year data submitted under section 2 of this act.

(1) At a minimum, data must be sorted by calendar year and calendar accident year. The commissioner may also decide to display data in other ways.

(2) The summaries must be available by March 31st of each year.

NEW SECTION. Sec. 5. Beginning in 2006, the commissioner must prepare an annual report by June 30th that summarizes and analyzes the closed claim reports for medical malpractice filed under section 2 of this act and the annual financial reports filed by insurers writing medical malpractice insurance in this state. The report must include:

(1) An analysis of closed claim reports of prior years for which data are collected and show:

(a) Trends in the frequency and severity of claims payments;

(b) An itemization of economic and noneconomic damages;

(c) The types of medical malpractice for which claims have been paid; and

(d) Any other information the commissioner determines illustrates trends in closed claims;

(2) An analysis of the medical malpractice insurance market in Washington state, including:

(a) An analysis of the financial reports of the insurers with a combined market share of at least ninety percent of net written medical malpractice premium in Washington state for the prior calendar year;

(b) A loss ratio analysis of medical malpractice insurance written in Washington state; and

(c) A profitability analysis of each insurer writing medical malpractice insurance;

(3) A comparison of loss ratios and the profitability of medical malpractice insurance in Washington state to other states based on financial reports filed with the national association of insurance commissioners and any other source of information the commissioner deems relevant;

(4) A summary of the rate filings for medical malpractice that have been approved by the commissioner for the prior calendar year, including an analysis of the trend of direct and incurred losses as compared to prior years;

(5) The commissioner must post reports required by this section on the internet no later than thirty days after they are due; and

(6) The commissioner may adopt rules that require insuring entities and self-insurers required to report under section 2(1) of this act to report data related to:

(a) The frequency and severity of open claims for the reporting period;

(b) The aggregate amounts reserved for incurred claims;

(c) Changes in reserves from the previous reporting period; and

(d) Any other information that helps the commissioner monitor losses and claims development in the Washington state medical malpractice insurance market.

NEW SECTION. Sec. 6. The commissioner shall adopt all rules needed to implement this chapter. To ensure that claimants and health care providers cannot be individually identified when data is disclosed to the public, the commissioner shall adopt rules that require the protection of information that, in combination, could result in the ability to identify the claimant or health care provider in a particular claim.

NEW SECTION. Sec. 7. A new section is added to chapter 7.70 RCW to read as follows:

In any action filed under this chapter that results in a final:

(1) Judgment in any amount;

(2) Settlement in any amount; or

(3) Disposition resulting in no indemnity payment,

the claimant or his or her attorney shall report to the office of the insurance commissioner on forms provided by the commissioner any court costs, attorneys' fees, or costs of expert witnesses incurred in pursuing the action.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Schual-Berke moved the adoption of amendment (1000) to amendment (995):

On page 5 of the amendment, at the beginning of line 35, insert "(1)"

On page 6 of the amendment, line 1, strike "(1)" and insert "(a)"

On page 6 of the amendment, line 2, strike "(2)" and insert "(b)"

On page 6 of the amendment, line 3, strike "(3)" and insert "(c)"

On page 6 of the amendment, after line 7, insert the following:

"(2) The commissioner may adopt rules requiring the submission of any other information that would help the commissioner analyze and evaluate the costs involved in medical malpractice cases."

Representatives Schual-Berke and Carrell spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment as amended was adopted. The bill was ordered engrossed.

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

Representatives Schual-Berke, G. Simpson, Schual-Berke (again) and G. Simpson (again) spoke in favor of passage of the bill.

Representatives Carrell, Benson, Bailey, Ahern, Anderson, Clements and McMahan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 3197.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3197 and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

ENGROSSED HOUSE BILL NO. 3197, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1926, By Representatives Lantz, Clibborn, Moeller, Schual-Berke, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, G. Simpson, Sommers and Haigh

Limiting the use of expert witnesses.

The bill was read the second time.

Representative Lantz moved the adoption of amendment (946):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 7.70 RCW to read as follows:

(1) In an action against a health care provider under this chapter, an expert may not provide testimony at trial, or execute a certificate of merit required under this chapter, unless the expert meets the following criteria:

(a) Has expertise in the medical condition at issue in the action; and

(b) At the time of the occurrence of the incident at issue in the action, was either:

(i) Engaged in active practice in the same or similar area of practice or specialty as the defendant; or

(ii) Teaching at an accredited medical school or an accredited or affiliated academic or clinical training program in the same or similar area of practice or specialty as the defendant, including instruction regarding the particular condition at issue.

(2) Upon motion of a party, the court may waive the requirements of subsection (1) of this section and allow an expert who does not meet those requirements to testify at trial or execute a certificate of merit required under this chapter if the court finds that:

(a) Extensive efforts were made by the party to locate an expert who meets the criteria under subsection (1) of this section, but none was willing and available to testify; and

(b) The proposed expert is qualified to be an expert witness by virtue of the person's training, experience, and knowledge.

NEW SECTION. Sec. 2. A new section is added to chapter 7.70 RCW to read as follows:

An expert opinion provided in the course of an action against a health care provider under this chapter must be corroborated by admissible evidence, such as, but not limited to, treatment or practice protocols or guidelines developed by medical specialty organizations, objective academic research, clinical trials or studies, or widely accepted clinical practices.

NEW SECTION. Sec. 3. A new section is added to chapter 7.70 RCW to read as follows:

In any action under this chapter, each side shall presumptively be entitled to only two independent experts on an issue, except upon a showing of good cause. Where there are multiple parties on a side and the parties cannot agree as to which independent experts will be called on an issue, the court, upon a showing of good cause, shall allow additional experts on an issue to be called as the court deems appropriate.

NEW SECTION. Sec. 4. A new section is added to chapter 7.70 RCW to read as follows:

In an action under this chapter, all parties shall submit a pretrial expert report pursuant to time frames provided in court rules. The expert report must disclose the identity of all expert witnesses and state the nature of the opinions the expert witnesses will present as testimony at trial. Further depositions of these expert witnesses is prohibited. The testimony that an expert witness may present at trial is limited in nature to the opinions disclosed to the court as part of the pretrial expert report. The legislature respectfully requests that the supreme court adopt rules to implement the provisions of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 7.70 RCW to read as follows:

(1) In an action against an individual health care provider under this chapter for personal injury or wrongful death in which the injury is alleged to have been caused by an act or omission that violates the accepted standard of care, the plaintiff must file a certificate of merit at the time of commencing the action.

(2) The certificate of merit must be executed by a health care provider who meets the qualifications of an expert under section 8 of this act. If there is more than one defendant in the action, the person commencing the action must file a certificate of merit for each defendant.

(3) The certificate of merit must contain a statement that the person executing the certificate of merit believes, based on the information known at the time of executing the certificate of merit, that there is a reasonable probability that the defendant's conduct did not follow the accepted standard of care required to be exercised by the defendant.

(4) Upon motion of the plaintiff, the court may grant an additional period of time to file the certificate of merit, not to exceed ninety days, if the court finds there is good cause for the extension."

Correct the title.

Representative McMahan moved the adoption of amendment (980) to amendment (946):

On page 2, line 11 of the amendment, after "each" strike "side" and insert "party"

On page 2, line 12 of the amendment, after "only" strike "two" and insert "one"

On page 2, line 12 of the amendment, after "independent" strike "experts" and insert "expert"

On page 2, beginning on line 13 of the amendment, after "cause." strike all material through "the" on line 15 and insert "The"

Representatives McMahan and Carrell spoke in favor of the adoption of the amendment to the amendment.

Representative Lantz spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (980) to amendment (946) to Engrossed House Bill No. 1926.

ROLL CALL

The Clerk called the roll on the adoption of amendment (980) to amendment (946) to Engrossed House Bill No. 1926, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Representative Carrell moved the adoption of amendment (983) to amendment (946):

On page 2, line 23 of the amendment, before "and state" insert "whose testimony will be presented at trial"

On page 2, line 24 of the amendment, after "trial." strike "Further" and insert "If agreed to by all parties, further"

Representative Carrell spoke in favor of the adoption of the amendment to the amendment.

Representative Lantz spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (983) to amendment (946) to Engrossed House Bill No. 1926.

ROLL CALL

The Clerk called the roll on the adoption of amendment (983) to amendment (946) to Engrossed House Bill No. 1926, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

The amendment (946) as amended was adopted. The bill was ordered engrossed.

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

Representatives Lantz and Schual-Berke spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed House Bill No. 1926.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1926 and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 42.

SECOND ENGROSSED HOUSE BILL NO. 1926, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1927, By Representatives Lantz, Schual-Berke, Clibborn, Campbell, Moeller, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, G. Simpson, Sommers and Haigh

Concerning mandatory mediation and arbitration of health care claims. (REVISED FOR ENGROSSED: Concerning mandatory mediation of health care claims.)

The bill was read the second time.

Representative Lantz moved the adoption of amendment (945):

Beginning on page 1, line 4, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 7.70.100 and 1993 c 492 s 419 are each amended to read as follows:

(1) No action based upon a health care provider's professional negligence may be commenced unless the defendant has been given at least ninety days' notice of the intention to commence the action. If the notice is served within ninety days of the expiration of the applicable statute of limitations, the time for the commencement of the action must be extended ninety days from the service of the notice.

(2) The provisions of subsection (1) of this section are not applicable with respect to any defendant whose name is unknown to the plaintiff at the time of filing the complaint and who is identified therein by a fictitious name.

(3) After the filing of the ninety-day presuit notice, and before a superior court trial, all causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after July 1, 1993, shall be subject to mandatory mediation prior to trial except as provided in subsection (6) of this section.

~~((2))~~ (4) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall require mandatory mediation without exception unless subsection (6) of this section applies. The rules on mandatory mediation shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators;

(b) Appropriate limits on the amount or manner of compensation of mediators;

(c) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(d) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(e) The number of days following the selection of a mediator within which a mediation conference must be held; and

~~(f) ((A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and~~

~~(g))~~ Any other matters deemed necessary by the court.

~~((3))~~ (5) Mediators shall not impose discovery schedules upon the parties.

(6) The mandatory mediation requirement of subsection (4) of this section does not apply to an action subject to mandatory arbitration under chapter 7.06 RCW or to an action in which the parties have agreed, subsequent to the arising of the claim, to submit the claim to arbitration under chapter 7.04 RCW.

(7) The legislature respectfully requests that the supreme court by rule also adopt procedures for the parties to certify to the court the manner of mediation used by the parties to comply with this section."

The amendment was adopted.

With the consent of the House, amendment (984) was withdrawn.

The bill was ordered engrossed.

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

Representatives Lantz, Cody, Rockefeller, G. Simpson and Ruderman spoke in favor of passage of the bill.

Representatives Anderson, Carrell, Bailey, Benson and Carrell (again) spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed House Bill No. 1927.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1927 and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlín, Shabro, Sump, Talcott, Tom and Woods - 39.

SECOND ENGROSSED HOUSE BILL NO. 1927, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1928, By House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell, McMahan, Clibborn, Campbell, Moeller, Schual-Berke, Cody, Newhouse, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, G. Simpson, Sommers and Haigh)

Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW.

The bill was read the second time.

Representative Lantz moved the adoption of amendment (944):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b)(i) Except as provided in (b)(ii) of this subsection, if the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants [claimant's]))~~ claimant's total damages.

(ii) Subsection (b)(i) of this subsection does not apply to health care providers as defined in RCW 7.70.020, in all cases governed by chapter 7.70 RCW with respect to judgments for noneconomic damages. In all cases governed by chapter 7.70 RCW, the liability of health care providers for noneconomic damages is several only. For the purposes of this section, "noneconomic damages" has the meaning given in RCW 4.56.250.

(2) In all actions for damages under chapter 7.70 RCW, the entities to whom fault may be attributed shall be limited to the claimants, defendants, and third-party defendants who are parties to the action, any entities released by the claimant, and entities immune from liability to the claimant.

(3) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

~~((3))~~ (4)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

Sec. 2. RCW 70.105.112 and 1987 c 528 s 9 are each amended to read as follows:

This chapter does not apply to special incinerator ash regulated under chapter 70.138 RCW except that, for purposes of RCW 4.22.070~~((3))~~ (4)(a), special incinerator ash shall be considered hazardous waste.

Sec. 3. RCW 7.70.080 and 1975-'76 2nd ex.s. c 56 s 13 are each amended to read as follows:

Any party may present evidence to the trier of fact that the ~~((patient))~~ plaintiff has already been compensated for the injury complained of from any source except the assets of the ~~((patient, his))~~ plaintiff, the plaintiff's representative, or ~~((his))~~ the plaintiff's immediate family~~((or insurance purchased with such assets))~~. In the event such evidence is admitted, the plaintiff may present evidence of an obligation to repay such compensation and evidence of any amount paid by the plaintiff, or his or her representative or immediate family, to secure the right to the compensation. ~~((Insurance bargained for or provided on behalf of an employee shall be considered insurance purchased with the assets of the employee.))~~ Compensation as used in this section shall mean payment of money or other property to or on behalf of the patient, rendering of services to the patient free of charge to the patient, or indemnification of expenses incurred by or on behalf of the patient. Notwithstanding this section, evidence of compensation by a defendant health care provider may be offered only by that provider."

Correct the title.

Representative Campbell moved the adoption of amendment (978) to amendment (944):

On page 2, line 6 of the amendment, after "judgments for" insert "economic and"

On page 2, line 8 of the amendment, after "providers for" insert "economic and"

On page 2, line 9 of the amendment, after "section," insert "the terms "economic damages" and"

On page 2, line 10 of the amendment, after "damages" strike "has the meaning" and insert "have the meanings"

Representatives Campbell and Carrell spoke in favor of the adoption of the amendment to the amendment.

Representative Lantz spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (978) to amendment (944) to Engrossed Substitute House Bill No. 1928.

ROLL CALL

The Clerk called the roll on the adoption of amendment (978) to amendment (944) to Engrossed Substitute House Bill No. 1928, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Representative Carrell moved the adoption of amendment (988) to amendment (944):

On page 2, line 13 of the amendment, after "defendants," strike "and"

On page 2, beginning on line 13 of the amendment, after "third-party defendants" strike "who are parties to the action"

On page 2, line 14 of the amendment, after "any entities" strike "released by" and insert "who have entered into a release, covenant not to sue, covenant not to enforce judgment, or similar agreement with"

Representatives Carrell spoke in favor of the adoption of the amendment to the amendment.

Representative Lantz spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (988) to amendment (944) to Engrossed Substitute House Bill No. 1928.

ROLL CALL

The Clerk called the roll on the adoption of amendment (988) to amendment (944) to Engrossed Substitute House Bill No. 1928, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Representative Carrell moved the adoption of amendment (987) to the amendment (944):

On page 2, after line 37 of the amendment, insert the following:

"NEW SECTION. Sec. 3. It is the intent of the legislature by enacting sections 4 and 5 of this act that health care providers should remain personally liable for their own negligent or wrongful acts or omissions in connection with the provision of health care services, but that their vicarious liability for the negligent or wrongful acts or omissions of others should be curtailed. To that end, it is the intent of the legislature that *Adamski v. Tacoma General Hospital*, 20 Wn. App. 98, 579 P.2d 970 (1978), and its holding that hospitals may be held liable for a physician's acts or omissions under so-called "apparent agency" or "ostensible agency" theories should be reversed, so that hospitals will not be liable for the act or omission of a health care provider granted hospital privileges unless the health care provider is an actual agent or employee of the hospital. It is further the intent of the legislature that, notwithstanding any generally applicable principle of vicarious liability to the contrary, individual health care professionals will not be liable for the negligent or wrongful acts of others, except those who were acting under their direct supervision and control.

NEW SECTION. Sec. 4. A new section is added to chapter 7.70 RCW to read as follows:

A public or private hospital shall be liable for an act or omission of a health care provider granted privileges to provide health care at the hospital only if the health care provider is an actual agent or employee of the hospital and the act or omission of the health care provider occurred while the health care provider was acting within the course and scope of the health care provider's agency or employment with the hospital.

NEW SECTION. Sec. 5. A new section is added to chapter 7.70 RCW to read as follows:

A person who is a health care provider under RCW 7.70.020 (1) or (2) shall not be personally liable for any act or omission of any other health care provider who was not the person's actual agent or employee or who was not acting under the person's direct supervision and control at the time of the act or omission."

Renumber the remaining section and correct the title.

Representative Carrell spoke in favor of the adoption of the amendment to the amendment.

Representative Lantz spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (987) to amendment (944) to Engrossed Substitute House Bill No. 1928.

ROLL CALL

The Clerk called the roll on the adoption of amendment (987) to amendment (944) to Engrossed Substitute House Bill No. 1928, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 53.

Representative Carrell moved the adoption of amendment (985) to amendment (944):

On page 3, beginning on line 1 of the amendment, strike all of section 3 and insert the following:
"Sec. 3. RCW 7.70.080 and 1975-'76 2nd ex.s. c 56 s 13 are each amended to read as follows:

(1) Any party may present evidence to the trier of fact that the ((patient)) plaintiff has already been, or will be, compensated for the injury complained of from ((any source except the assets of the patient, his representative, or his immediate family, or insurance purchased with such assets. In the event such evidence is admitted, the plaintiff may present evidence of an obligation to repay such compensation. Insurance bargained for or provided on behalf of an employee shall be considered insurance purchased with the assets of the employee)) a collateral source. In the event the evidence is admitted, the plaintiff may present evidence of any amount that was paid or contributed to secure the right to any compensation. Compensation as used in this section shall mean payment of money or other property to or on behalf of the patient, rendering of services to the patient free of charge to the patient, or indemnification of expenses incurred by or on behalf of the patient. Notwithstanding this section, evidence of compensation by a defendant health care provider may be offered only by that provider.

(2) Unless otherwise provided by statute, there is no right of subrogation or reimbursement from a plaintiff's tort recovery with respect to compensation covered in subsection (1) of this section."

Representative Carrell spoke in favor of the adoption of the amendment to the amendment.

Representative Lantz spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (985) to amendment (944) to Engrossed Substitute House Bill No. 1928.

ROLL CALL

The Clerk called the roll on the adoption of amendment (985) to amendment (944) to Engrossed Substitute House Bill No. 1928, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 53.

The amendment (944) was adopted. The bill was ordered engrossed.

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

Representatives Lantz, Carrell and Schual-Berke spoke in favor of passage of the bill.

Representatives Alexander and McMahan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1928.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1928 and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Bailey, Benson, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Clibborn, Cody, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schual-Berke, Shabro, D. Simpson, Skinner, Sommers, Talcott, Tom, Upthegrove, Veloria, Wallace and Mr. Speaker - 71.

Voting nay: Representatives Alexander, Anderson, Armstrong, Buck, Chandler, Chase, Clements, Condotta, Conway, Cooper, DeBolt, Ericksen, Holmquist, Hunt, Kessler, Kirby, McDermott, McMorris, Nixon, Roach, Schoesler, Sehlin, G. Simpson, Sullivan, Sump, Wood and Woods - 27.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1928, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3201, By Representatives Lantz, Morrell, Clibborn and Rockefeller Including expert witness fees in "reasonable expenses."

The bill was read the second time.

Representative Lantz moved the adoption of amendment (963):

On page 1, line 5, after "jurisdiction" strike "may" and insert "~~(may)~~ shall"

Representatives Lantz and Rockefeller spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lantz, Morrell and Schual-Berke spoke in favor of passage of the bill.

Representatives Carrell, Anderson, Benson and Roach spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 3201.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3201 and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Benson, Blake, Cairnes, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 67.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Boldt, Buck, Bush, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro, Sump and Woods - 31.

ENGROSSED HOUSE BILL NO. 3201, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2834, By Representatives Schual-Berke, Kagi, Cody, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller and Darneille

Improving the discipline of health professions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2834 was substituted for House Bill No. 2834 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2834 was read the second time.

With the consent of the House, amendments (1009), (993) and (973) were withdrawn.

Representative Schual-Berke moved the adoption of amendment (998):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The protection of the health and safety of the people of Washington state is a paramount responsibility entrusted to the state. One of the means for achieving such protection is through regulation of health professionals and effective discipline of those health care professionals who engage in unprofessional conduct. The vast majority of health professionals are dedicated to their profession, and provide quality services to those in their care. However, effective mechanisms are needed to ensure that the small minority of health professionals who engage in unprofessional conduct are reported and disciplined in a timely and effective manner.

(2) Jurisdiction for health professions disciplinary processes is divided between the secretary of health and fourteen independent boards and commissions. While the presence of a board or commission consisting of members of the profession that they regulate may add value to some steps of the disciplinary process, in other instances their involvement may be unnecessary, or even an impediment, to safeguarding the public's health and safety. It is in the interests of both public health and safety and credentialed health care professionals that the health professions disciplinary system operate effectively and appropriately.

NEW SECTION. Sec. 2. (1) The task force on improvement of health professions discipline is established. The governor must appoint its members, and shall include:

- (a) A representative of a medicare contracted professional review organization in Washington state;
- (b) One or more representatives of the University of Washington school of health sciences or school of public health with expertise in health professions regulation;
- (c) A representative of the foundation for health care quality;
- (d) Two representatives of health care professionals, including one physician, neither of whom currently serve, or have served in the past, on a health professions disciplinary board or commission;
- (e) A representative of hospital-based continuous quality improvement programs under RCW 70.41.200;
- (f) A representative of a hospital peer review committee;
- (g) The secretary of the department of health;

- (h) A representative of the superior court judges association;
 - (i) A representative of the Washington state bar association who is an attorney with expertise in defending health professionals in health professions disciplinary proceedings in Washington;
 - (j) A representative of health care consumers, who does not currently serve and has not in the past served, on a health professions disciplinary board or commission;
 - (k) The attorney general or his or her designee; and
 - (l) A current or former public member of a disciplining authority included in chapter 18.130 RCW.
- (2) The task force shall conduct an independent review of the funding of the health professions and all phases of the current health professions disciplinary process, from report intake through final case closure, and shall, at a minimum, examine and address the following issues:
- (a) The ability of the disciplining authorities identified in RCW 18.130.040 to effectively safeguard the public from potentially harmful health care practitioners while also ensuring the due process rights of credentialed health care practitioners;
 - (b) The feasibility of developing a uniform performance measurement system for health professions discipline;
 - (c) Whether there are components to the current health professions discipline system that serve as impediments to improving the quality of health professions discipline, including consideration of:
 - (i) The value of boards and commissions in the health professions disciplinary process; and
 - (ii) The respective roles of the secretary and boards and commissions in health professions disciplinary functions;
 - (d) The feasibility of allowing law enforcement agencies to share information from criminal investigations of credentialed health care providers regardless of whether the provider was not ultimately convicted;
 - (e) The extent to which investigation, charging, and sanctioning decisions are consistently applied across and within each of the disciplining authorities;
 - (f) The merits of limiting the public disclosure of certain information related to the health professions disciplinary process including complaint closure without investigation, complaint closure after investigation, and findings after adjudication of no violation of the uniform disciplinary act;
 - (g) The extent to which sanctions deviate from advisory guidelines regarding sanctions and the circumstances behind those deviations; and
 - (h) Alternative fee structures for health care professionals to simplify funding and the use of those funds across all health care professions.
- (3) The task force may establish technical advisory committees to assist in its efforts, and shall provide opportunities for interested parties to comment upon the task force's findings and recommendations prior to being finalized.
- (4) Staff support to the task force shall be provided by the department of health and the office of financial management.
- (5) The task force shall submit its report and recommendations for improvement of health professions discipline to the relevant committees of the legislature and the governor by October 1, 2005.
- (6) Nothing in this act limits the secretary of health's authority to modify the internal processes or organizational framework of the department.
- (7) Members of the task force shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Sec. 3. RCW 4.24.260 and 1994 sp.s. c 9 s 701 are each amended to read as follows:

~~((Physicians licensed under chapter 18.71 RCW, dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW))~~ Any member of a health profession listed under RCW 18.130.040 who, in good faith, makes a report, files charges, or presents evidence against another member of ((their)) a health profession based on the claimed ((incompetency or gross misconduct)) unprofessional conduct as provided in RCW 18.130.180 or inability to practice with reasonable skill and safety to consumers by reason of any physical or mental condition as provided in RCW 18.130.170 of such person before the ((medical quality assurance commission established under chapter 18.71 RCW, in a proceeding under chapter 18.32 RCW, or to the board of pharmacy under RCW 18.64.160)) agency, board, or commission responsible for disciplinary activities for the person's profession under chapter 18.130 RCW, shall be immune from civil action for damages arising out of such activities. A person prevailing upon the good faith defense provided for in this section is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

Sec. 4. RCW 18.71.0193 and 1994 sp.s. c 9 s 327 are each amended to read as follows:

(1) A ~~((licensed health care professional))~~ physician licensed under this chapter shall report to the commission when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of a county or state medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The commission may impose disciplinary sanctions, including license suspension or revocation, on any ~~((health care professional subject to the jurisdiction of the commission))~~ physician licensed under this chapter who has failed to comply with this section.

(4) Every physician licensed under this chapter who reports to the commission as required under subsection (1) of this section in good faith is immune from civil liability for damages arising out of the report, whether direct or derivative. A person prevailing upon the defense provided for in this section is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

Sec. 5. RCW 18.130.010 and 1994 sp.s. c 9 s 601 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary and licensure procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the licensure of health care professionals and the enforcement of laws the purpose of which is to ~~((assure the public of the adequacy of professional competence and conduct in the healing arts))~~ reduce unprofessional conduct and unsafe practices in health care, protect the public health, safety, and welfare, and promote patient safety.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the Uniform Disciplinary Act.

Further, the legislature declares that the addition of public members on all health care commissions and boards can give both the state and the public, which it has a paramount statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

Sec. 6. RCW 18.130.180 and 1995 c 336 s 9 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction. Full faith and credit will be extended to the action by the competent authority, even if procedures or standards of proof vary in the other jurisdiction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

Sec. 7. RCW 18.130.900 and 1986 c 259 s 14 are each amended to read as follows:

- (1) This chapter shall be known and cited as the uniform disciplinary act.
- (2) This chapter applies to any conduct, acts, or conditions occurring on or after June 11, 1986.
- (3) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to June 11, 1986. Such conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.
- (4) The amendments to chapter 18.130 RCW in sections 5 and 6 of this act are clarifying amendments and should not be construed as a change in the construction and application of chapter 18.130 RCW.

Correct the title.

Representative Campbell moved the adoption of amendment (1011) to amendment (998):

On page 2, line 5, after "(d)" strike "Two representatives of health care professionals" and insert "Four representatives of a broad range of different types of health care professionals"

On page 2, line 6, after "physician," strike "neither" and insert "none"

On page 2, line 20, after "(l)" strike "A" and insert "Three members of the public, one of whom is a"

Representative Campbell spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment (998) as amended was adopted. The bill was ordered engrossed.

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

Representatives Schual-Berke, Bailey and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2834.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2834 and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Armstrong, Bailey, Benson, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 87.

Voting nay: Representatives Alexander, Anderson, Buck, Chandler, Clements, DeBolt, Ericksen, Holmquist, Nixon, Roach and Woods - 11.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2834, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 2837, By Representatives Schual-Berke, Benson, Cody, G. Simpson, Kagi, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller, Moeller, Clibborn, Edwards, Darneille and Dickerson

Underwriting medical malpractice coverage.

The bill was read the second time. There being no objection, Substitute House Bill No. 2837 was substituted for House Bill No. 2837 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2837 was read the second time.

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

Representatives Schual-Berke, Benson and G. Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2837.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2837 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2837, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 2816, By Representatives Schual-Berke, Benson, G. Simpson, Clibborn, Linville, Morrell, Edwards and Kagi; by request of Insurance Commissioner

Regulating medical malpractice liability insurance policies.

The bill was read the second time. There being no objection, Substitute House Bill No. 2816 was substituted for House Bill No. 2816 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2816 was read the second time.

Representative Schual-Berke moved the adoption of amendment (834):

On page 3, line 12, after "will" strike "cancel" and insert "not renew"

Representative Schual-Berke spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Schual-Berke, Benson and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2816.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2816 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3200, By Representatives Lantz, Morrell, Clibborn and Rockefeller

Limiting the time period for bringing an action for personal injury or death resulting from health care.

The bill was read the second time.

Representative Lantz moved the adoption of amendment (962):

On page 4, after line 16, insert the following:

"Sec. 3. RCW 4.16.190 and 1993 c 232 s 1 are each amended to read as follows:

(1) ~~Unless otherwise provided in this section, if a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of eighteen years, or incompetent or disabled to such a degree that he or she cannot understand the nature of the proceedings, such incompetency or disability as determined according to chapter 11.88 RCW, or imprisoned on a criminal charge prior to sentencing, the time of such disability shall not be a part of the time limited for the commencement of action.~~

(2) Subsection (1) of this section with respect to a person under the age of eighteen years does not apply to the time limited for the commencement of an action under RCW 4.16.350."

Representative Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Newhouse moved the adoption of amendment (990):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.16.350 and 1998 c 147 s 1 are each amended to read as follows:

(1) Any civil action for damages for injury or death occurring as a result of health care which is provided after June 25, 1976, against:

~~((+))~~ (a) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

~~((2))~~ (b) An employee or agent of a person described in (a) of this subsection ~~((1) of this section)~~, acting in the course and scope of his or her employment, including, in the event such employee or agent is deceased, his or her estate or personal representative; or

~~((3))~~ (c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in (a) of this subsection ~~((1) of this section)~~, including, but not limited to, a hospital, clinic, health maintenance organization, ~~((or))~~ nursing home, or boarding home; or an officer, director, employee, or agent thereof acting in the course and scope of his or her employment, including, in the event such officer, director, employee, or agent is deceased, his or her estate or personal representative; based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his or her representative or custodial parent or guardian discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period ~~((expires later, except that in no event shall an action be commenced more than eight years after said act or omission: PROVIDED, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect, until the date the patient or the patient's representative has actual knowledge of the act of fraud or concealment, or of the presence of the foreign body; the patient or the patient's representative has one year from the date of the actual knowledge in which to commence a civil action for damages.~~

~~For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age of eighteen years, and such imputed knowledge shall operate to bar the claim of such minor to the same extent that the claim of an adult would be barred under this section. Any action not commenced in accordance with this section shall be barred.~~

~~For purposes of this section, with respect to care provided after June 25, 1976, and before August 1, 1986, the knowledge of a custodial parent or guardian shall be imputed as of April 29, 1987, to persons under the age of eighteen years) occurs first.~~

~~(2) In no event may an action be commenced more than three years after the act or omission alleged to have caused the injury or condition except:~~

~~(a) Upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect, in which case the patient or the patient's representative has one year from the date the patient or the patient's representative or custodial parent or guardian has actual knowledge of the act of fraud or concealment or of the presence of the foreign body in which to commence a civil action for damages.~~

~~(b) In the case of a minor, for any period during minority, but only for such period during minority in which the minor's custodial parent or guardian and the defendant or the defendant's insurer have committed fraud or collusion in the failure to bring an action on behalf of the minor.~~

~~(c) In the case of a minor under the full age of six years, in which case the action on behalf of the minor must be commenced within three years or prior to the minor's eighth birthday, whichever provides a longer period.~~

~~(3) Any action not commenced in accordance with this section is barred.~~

~~(4) For purposes of this section, the tolling provisions of RCW 4.16.190 do not apply.~~

~~(5) This section does not apply to a civil action based on intentional conduct brought against those individuals or entities specified in this section by a person for recovery of damages for injury occurring as a result of childhood sexual abuse as defined in RCW 4.16.340(5)."~~

Correct the title.

Representatives Newhouse and Carrell spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (990) to House Bill No. 3200.

ROLL CALL

The Clerk called the roll on the adoption of amendment (990) to House Bill No. 3200, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

The bill was ordered engrossed.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 3200.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3200 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kessler, Kristiansen, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Voloria, Wallace, Woods and Mr. Speaker - 88.

Voting nay: Representatives Chase, Conway, Flannigan, Hunt, Kenney, Kirby, Lantz, G. Simpson, Upthegrove and Wood - 10.

ENGROSSED HOUSE BILL NO. 3200, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED HOUSE BILL NO. 3200.

PAT LANTZ, 26th District

HOUSE BILL NO. 2839, By Representatives Schual-Berke, Kagi, Cody, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller, Clibborn, Edwards and Dickerson

Creating a task force to study alternatives for resolving disputes related to injuries resulting from health care.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 18th Day, January 18, 2004.)

The bill was ordered engrossed.

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

Representatives Schual-Berke, Benson, Kagi and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2839.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2839 and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Armstrong, Bailey, Benson, Blake, Boldt, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller,

Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 82.

Voting nay: Representatives Alexander, Anderson, Buck, Bush, Chandler, Clements, DeBolt, Ericksen, Holmquist, Kristiansen, Mastin, Orcutt, Pearson, Roach, Sehlin and Woods - 16.

ENGROSSED HOUSE BILL NO. 2839, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 2839.

TOM MIELKE, 18th District

HOUSE BILL NO. 2787, By Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Upthegrove and Kagi

Providing immunity from liability for licensed health care providers at community health care settings.

The bill was read the second time. There being no objection, Substitute House Bill No. 2787 was substituted for House Bill No. 2787 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2787 was read the second time.

Representative Kessler moved the adoption of amendment (908):

On page 2, line 13, after "corporation" insert ", except a clinic that is owned, operated, or controlled by a hospital licensed under chapter 70.41 RCW unless the hospital-based clinic either:

(i) Maintains and holds itself out to the public as having established hours on a regular basis for providing free health care services to members of the public to the extent that care is provided without compensation or expectation of compensation during those established hours; or

(ii) Is participating, through a written agreement, in a community-based program to provide access to health care services for uninsured persons, to the extent that:

(A) Care is provided without compensation or expectation of compensation to individuals who have been referred for care through that community-based program; and

(B) The health care provider's participation in the community-based program is conditioned upon his or her agreement to provide health services without expectation of compensation"

Representatives Kessler and Buck spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kessler, Buck and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2787.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2787 and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Chandler, Clements, DeBolt, Roach and Woods - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2788, By Representatives Kessler, Schual-Berke, Cody, Morrell, Clibborn, Campbell, Moeller, Darneille, Buck and Kagi

Establishing priority for funds in the liability insurance program for retired primary care providers volunteering to serve low-income patients.

The bill was read the second time. There being no objection, Substitute House Bill No. 2788 was substituted for House Bill No. 2788 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2788 was read the second time.

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

Representatives Kessler, Benson, Carrell, Cody and Schual-Berke spoke in favor of passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2788.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2788 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 88.

Voting nay: Representatives Anderson, Chandler, Clements, DeBolt, Ericksen, Holmquist, McMahan, Nixon, Roach and Woods - 10.

SUBSTITUTE HOUSE BILL NO. 2788, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2838, By Representatives Benson and Schual-Berke

Regulating capital calls by domestic mutual insurers.

The bill was read the second time.

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

Representatives Benson and Schual-Berke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2838.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2838 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2838, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2879, By Representatives Cody, Campbell and Schual-Berke; by request of Department of Health

Revising the department of health's health professions disciplinary authority.

The bill was read the second time. There being no objection, Substitute House Bill No. 2879 was substituted for House Bill No. 2879 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2879 was read the second time.

Representative Cody moved the adoption of amendment (957):

On page 1, line 17, after "charges." insert "Nothing in this section precludes the license holder and the disciplinary authority from engaging in settlement negotiations and resolving the matter through a settlement."

On page 2, line 25, after "subsection" insert "and the department has received the return receipt from the certified mailing"

On page 2, after line 26, insert the following:

"(c) In the event that the license holder can show good cause for failure to receive and reply to the written notice of action and proposed sanction, the license holder may petition for reconsideration of the disciplinary action and imposed sanction and may request an adjudicative proceeding up to one year following the issuance of the initial written notice of charge and proposed sanction."

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Benson moved the adoption of amendment (961):

On page 2, line 19, after "within" strike "twenty" and insert "thirty"

On page 2, line 19, after "If the" strike "twenty-day" and insert "thirty-day"

Representatives Benson and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Cody, Bailey and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2879.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2879 and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Armstrong, Bailey, Benson, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 86.

Voting nay: Representatives Alexander, Anderson, Buck, Chandler, Clements, DeBolt, Ericksen, Holmquist, Nixon, Roach, Sehlin and Woods - 12.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2931, By Representatives Campbell, Schual-Berke, Rockefeller, Cody and Wallace

Using the health professions account for professional education and recruitment and retention.

The bill was read the second time. There being no objection, Substitute House Bill No. 2931 was substituted for House Bill No. 2931 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2931 was read the second time.

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

Representatives Campbell and Cody spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2931.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2931 and the bill passed the House by the following vote: Yeas - 64, Nays - 34, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Benson, Blake, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 64.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Boldt, Buck, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kristiansen, McDonald, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump, Tom and Woods - 34.

SUBSTITUTE HOUSE BILL NO. 2931, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2485, By Representatives Lantz, Carrell, Newhouse, Alexander, Jarrett, Moeller, Sommers, Kagi, Upthegrove, Schual-Berke and Darneille

Revising the rate of interest on certain tort judgments.

The bill was read the second time. There being no objection, SUBSTITUTE HOUSE BILL NO. 2485 was not substituted for House Bill No. 2485.

With the consent of the House, amendment (981) was withdrawn.

Representative Alexander moved the adoption of amendment (1013):

On page 1, line 11, strike "four" and insert "two"
On page 2, line 16, strike "four" and insert "two"

Representatives Alexander and Benson spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1013) to House Bill No. 2485.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1013) to House Bill No. 2485, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt,

Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

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

Representatives Lantz and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2485.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2485 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Kirby - 1.

HOUSE BILL NO. 2485, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

MESSAGES FROM THE SENATE

February 16, 2004

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6326,
SENATE BILL NO. 6338,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6352,
SUBSTITUTE SENATE BILL NO. 6389,
SENATE BILL NO. 6465,
SENATE BILL NO. 6493,
SUBSTITUTE SENATE BILL NO. 6534,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6559,
SENATE BILL NO. 6561,
SUBSTITUTE SENATE BILL NO. 6600,
SENATE BILL NO. 6663,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 16, 2004

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6143,
SUBSTITUTE SENATE BILL NO. 6265,
SUBSTITUTE SENATE BILL NO. 6329,
SENATE BILL NO. 6372,
SENATE BILL NO. 6518,
SUBSTITUTE SENATE BILL NO. 6615,
SENATE BILL NO. 6700,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 16, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5436,
SUBSTITUTE SENATE BILL NO. 5732,
SUBSTITUTE SENATE BILL NO. 6196,
SUBSTITUTE SENATE BILL NO. 6225,
SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6331,
SUBSTITUTE SENATE BILL NO. 6587,
SUBSTITUTE SENATE BILL NO. 6592,
SENATE BILL NO. 6679,
ENGROSSED SENATE BILL NO. 6737,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

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

THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1809, By House Committee on State Government
(originally sponsored by Representatives Murray, Hankins, Grant, Mastin, McDermott, Jarrett,
Linville, Upthegrove, Quall, Moeller, Tom, Kessler, Lovick, Hunter, Schual-Berke, Ruderman,
Dickerson, Santos, Hudgins, Haigh, Hunt, Pettigrew, Rockefeller, G. Simpson, Cody and
Kenney; by request of Governor Locke)**

Expanding the jurisdiction of the human rights commission.

The bill was read the third time.

Representatives Murray and McDermott spoke in favor of passage of the bill.

Representative Armstrong spoke against the of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1809.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1809 and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Woods - 39.

SUBSTITUTE HOUSE BILL NO. 1809, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2470, By Representatives Lovick and Clibborn; by request of Department of Transportation

Clarifying damages recoverable in highway accidents.

The bill was read the second time.

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

Representative Lovick spoke in favor of passage of the bill.

Representatives Armstrong and Ericksen spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2470.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2470 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 41.

HOUSE BILL NO. 2470, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 2662, By Representatives Hudgins, Jarrett, Murray, Sommers, Morris, Santos, Sullivan, Wood, Pettigrew, Kenney, Romero, Chase and Edwards

Using pictograms in transportation signs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2662 was substituted for House Bill No. 2662 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2662 was read the second time.

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

Representatives Hudgins and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2662.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2662 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2662, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2830, By Representatives Hudgins, Jarrett, Hatfield, Mielke, Wallace and Nixon

Authorizing a fee for the review of driving records.

The bill was read the second time. There being no objection, Substitute House Bill No. 2830 was substituted for House Bill No. 2830 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2830 was read the second time.

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

Representatives Hudgins and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2830.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2830 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2830, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960, By House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Cooper, Dickerson and Hudgins)

Governing regional transportation. (REVISED FOR ENGROSSED: Studying regional transportation governance.)

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1960 was substituted for Engrossed Substitute House Bill No. 1960 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1960 was read the second time.

Representative Jarrett moved the adoption of amendment (991):

On page 3, line 9, after "created," insert "subject to section 504 of this act,"

On page 13, line 3, after "2007," insert "for a district located within a regional transportation district."

On page 23, beginning on line 19, strike all of section 504 and insert the following:

"NEW SECTION. Sec. 504. The counties within the district identified in section 103 of this act shall submit to the voters within the district, at the next general election, a single ballot measure that approves formation of the district, authorizes establishment of the district council, and approves the powers of the council as set forth in this act. The auditors of those counties shall transmit the results of the election to the secretary of state in the manner described in RCW 29A.60.230 for canvassing by the secretary in the manner described by RCW 29A.60.260. A simple majority of the persons voting on the single ballot measure is required for the district to be established.

Sections 408 through 411 of this act take effect January 1, 2006, if the district is formed."

Representatives Jarrett and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Murray, Jarrett and G. Simpson spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1960.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1960 and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Lantz, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Boldt, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kagi, Kristiansen, Linville, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Sump, Talcott and Woods - 35.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1960, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2167, By Representative G. Simpson

Issuing special Washington heritage license plates.

The bill was read the second time. There being no objection, Substitute House Bill No. 2167 was substituted for House Bill No. 2167 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2167 was read the second time.

With the consent of the House, amendment (882) was withdrawn.

Representative G. Simpson moved the adoption of amendment (965):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:
"Washington state heritage license plate series" means a series of eight license plate designs displaying colorful pictorial images that are depictive of the state of Washington. The eight plates must have the following basic design themes: Orca, Steelhead trout, Lewis and Clark, Chief Seattle and the story pole, Willow Goldfinch, Western Hemlock, Washington state ferry, and Space Needle.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:
The department shall convene a task force comprised of four legislative members, one from each caucus of the house of representatives and of the senate, a representative from the Washington state patrol, and a representative from the department. This task force shall work together to create and design the special Washington state heritage license plate series incorporating the basic themes listed in section 1 of this act. The

task force may solicit suggestions from the general public for the designs of the plates, involving school children, amateur and professional artists, and others. This solicitation may take the form of a competition with appropriate recognition for the chosen designs. The task force shall ensure that all necessary rights are secured to display the images on the license plates. It is the intent of the legislature that the Washington state heritage license plate series will be a source of pride for all residents of Washington state, from the east, west, north, and south. The license plate designs must be selected considering the marketability of the plates so as to ensure that the plate designs will appeal to as much of the state's population as possible. License plates in the series may contain a slogan to describe the content or idea of each individual plate design.

The department shall cooperate with advocacy groups, nonprofit agencies, and others interested in the identified themes to promote the sale of the Washington state heritage license plate series to their members and others interested in displaying the plates and supporting the associated accounts and trust funds.

The department shall issue the Washington state heritage license plates. The heritage plates may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 3. RCW 46.16.313 and 1997 c 291 s 8 are each amended to read as follows:

(1) The department may establish a fee of no more than forty dollars for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. ~~((Until December 31, 1997, the fee shall not exceed thirty five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than forty dollars.))~~ This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

~~(2) ((Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.~~

~~(3) Effective with vehicle registrations due or to become due on January 1, 1998,))~~ In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

~~((4) Effective with annual renewals due or to become due on January 1, 1999,))~~ (3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

~~((5))~~ (4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

~~((6) Effective with annual renewals due or to become due on January 1, 1999,))~~ (5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a Washington state

heritage license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer, who shall credit the remaining funds in accordance with section 5 of this act.

(7) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a Washington state heritage license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer, who shall credit the remaining funds in accordance with section 5 of this act.

Sec. 4. RCW 46.16.316 and 1997 c 291 s 10 are each amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates under section 2 of this act or RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

NEW SECTION. Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

The proceeds generated from the sale of the Washington state heritage license plate series are intended to benefit various state activities and interests. The proceeds from the sale of each license plate theme within the series must be distributed in the following manner:

(1) Orca theme heritage license plate sale proceeds must be credited to the vessel response account under RCW 90.56.335;

(2) Steelhead trout theme heritage license plate sale proceeds must be credited to the natural science, wildlife, and environmental education partnership account under RCW 28A.300.445;

(3) Lewis and Clark theme heritage license plate sale proceeds must be credited to the oral history, state library, and archives account under RCW 43.07.380;

(4) Chief Seattle and story pole theme heritage license plate sale proceeds must be credited to the American Indian endowed scholarship trust fund under RCW 28B.108.050;

(5) Willow Goldfinch theme heritage license plate sale proceeds must be credited to the habitat conservation account under RCW 79A.15.020;

(6) Western Hemlock theme heritage license plate sale proceeds must be credited to the state parks renewal and stewardship account in RCW 79A.05.215;

(7) Washington state ferry theme heritage license plate sale proceeds must be credited to the multimodal transportation account under RCW 47.66.070; and

(8) Space Needle theme heritage license plate sale proceeds must be credited to the tourism development and promotion account in RCW 43.330.094."

Correct the title.

Representatives G. Simpson and Nixon spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives G. Simpson and Nixon spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2167.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2167 and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Tom, Veloria, Wallace, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Hunter, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Sump, Talcott, Upthegrove and Woods - 40.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2167, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2475, By Representative Murray; by request of Department of Transportation

Facilitating enforcement of toll violations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2475 was substituted for House Bill No. 2475 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2475 was read the second time.

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

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2475.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2475 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Boldt, McMahan, Mielke and Orcutt - 4.

SUBSTITUTE HOUSE BILL NO. 2475, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2476, By Representative Murray; by request of Department of Transportation

Facilitating vehicle toll collection.

The bill was read the second time.

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

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2476.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2476 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2476, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2483, By Representatives Murray and McIntire

Modifying the disposition of title fees.

The bill was read the second time.

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

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2483.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2483 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Absent: Representative Lantz - 1.

HOUSE BILL NO. 2483, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2532, By Representative G. Simpson; by request of Department of Licensing

Modifying commercial driver's license provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2532 was substituted for House Bill No. 2532 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2532 was read the second time.

Representative Armstrong moved the adoption of amendment (802):

On page 12, after line 10, insert the following:

"(3) Until September 30, 2005, the department may waive the knowledge examination required to obtain an "S" endorsement for a person who, at the time of application, holds a valid commercial driver license and either a P1 or P2 endorsement, has been regularly employed as a school bus driver or has regularly volunteered as a school bus driver for the previous two years, and has a good driving record."

Renumber the subsections following consecutively and correct any internal references accordingly.

Representative Armstrong spoke in favor of the adoption of the amendment.

Representative G. Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives G. Simpson, Murray and Ericksen spoke in favor of passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2532.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2532 and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville,

Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump and Talcott - 37.

SUBSTITUTE HOUSE BILL NO. 2532, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2736, By Representatives Murray, G. Simpson, Dickerson, Rockefeller and Wood

Streamlining transportation governance.

The bill was read the second time. There being no objection, Substitute House Bill No. 2736 was substituted for House Bill No. 2736 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2736 was read the second time.

Representative Murray moved the adoption of amendment (1021):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the need to streamline governance of the transportation system in order to increase efficiency and accountability to the people it serves. The legislature intends to create a single point of accountability for the performance of the state department of transportation by making management of the department directly accountable to the governor.

The legislature also desires to further streamline governance structures. A bipartisan, bicameral review and analysis of the current duties and responsibilities of the transportation commission must be conducted to determine where these functions are best carried out.

NEW SECTION. Sec. 2. A bicameral, bipartisan review panel shall conduct a review and analysis of the statutory duties, roles, functions, and responsibilities of the transportation commission. The review panel must make recommendations for the disposition of these duties, roles, functions, and responsibilities, assuming the transportation commission is dissolved. In making its recommendations, the review panel must, at a minimum, consider the proper separation of powers between the executive and legislative branches of government.

The review panel is comprised of eight legislators, with equal representation from each house and each major political caucus. The chairpersons and ranking minority members of the house and senate transportation committees shall make appointments from their respective caucuses. The review panel must complete its analysis and forward its recommendations to the house of representatives and the senate by December 3, 2004.

Sec. 3. RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the ~~((transportation commission, and))~~ governor. The appointment of the secretary must be confirmed by the senate. The secretary shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. ~~((The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission and be responsible to it, and shall be guided by policies established by it.))~~ The secretary shall serve ~~((until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final))~~ at the pleasure of the governor.

Sec. 4. RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, ~~((and))~~ (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the ~~((secretary of transportation and the))~~ director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041.))~~ The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

a. RCW 47.01.051 (Commission created--Appointment of members--Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5; and

b. RCW 47.01.071 (Commission--Functions, powers, and duties) and 1981 c 59 s 2, 1980 c 87 s 45, & 1977 ex.s. c 151 s 7.

NEW SECTION. Sec. 6. Section 5 of this act takes effect October 1, 2005."

Correct the title.

Representatives Murray and Ericksen spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Murray, Ericksen and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2736.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2736 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Moeller - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2736, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2808, By Representatives Murray, Jarrett, Hankins, Wallace, Hudgins, Cooper, Hunter, Moeller, Sullivan and Dickerson

Authorizing a pilot project for high-occupancy toll lanes.

The bill was read the second time. There being no objection, Substitute House Bill No. 2808 was substituted for House Bill No. 2808 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2808 was read the second time.

Representative Murray moved the adoption of amendment (992):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE INTENT. The legislature recognizes that the Puget Sound region is faced with growing traffic congestion and has limited ability to expand freeway capacity due to financial, environmental, and physical constraints. Freeway high-occupancy vehicle lanes have been an effective means of providing transit, vanpools, and carpools with a fast trip on congested freeway corridors, but in many cases, these lanes are themselves getting crowded during the peak commute times, while some are being underused at off-peak times.

It is the intent of the legislature to maximize the effectiveness and efficiency of the freeway system. To evaluate methods to accomplish this, it is beneficial to evaluate alternative approaches to managing the use of freeway high-occupancy vehicle lanes, including pilot projects to determine and demonstrate the effectiveness and benefits of implementing high-occupancy toll lanes. The legislature acknowledges that state route 167 provides an ideal test of the high-occupancy toll lane concept because it is a congested corridor, it has underused capacity in the high-occupancy vehicle lane, and it has adequate right of way for improvements needed to test the concept. Therefore, it is the intent of this act to direct that the department of transportation, as a pilot project, develop and operate a high-occupancy toll lane on state route 167 in King county and to conduct an evaluation of that project to determine impacts on freeway efficiency, effectiveness for transit, feasibility of financing improvements through tolls, and the impacts on freeway users.

NEW SECTION. Sec. 2. A new section is added to chapter 47.56 RCW to read as follows:

DEFINITION OF HIGH-OCCUPANCY TOLL LANES. For the purposes of RCW 46.61.165 and sections 3 and 4 of this act, "high-occupancy toll lanes" means one or more lanes of a highway that charges tolls as a means of regulating access to or the use of the facility, to maintain travel speed and reliability. Supporting facilities include, but are not limited to, approaches, enforcement areas, improvements, buildings, and equipment.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

AUTHORITY TO DESIGNATE STATE ROUTE 167 HIGH-OCCUPANCY TOLL LANE PILOT PROJECT. (1) The department shall provide for the establishment, construction, and operation of a pilot project of high-occupancy toll lanes on state route 167 high-occupancy vehicle lanes within King county. The department may issue, buy, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction of high-occupancy toll lanes, carry insurance, and handle any other matters pertaining to the high-occupancy toll lane pilot project.

(2) Tolls for high-occupancy toll lanes will be established as follows:

(a) The schedule of toll charges for high-occupancy toll lanes must be established by the transportation commission and collected in a manner determined by the commission.

(b) The department shall establish performance standards for the state route 167 high-occupancy toll lane pilot project. The department must automatically adjust the toll charge, using dynamic tolling, to ensure that toll-paying single-occupant vehicle users are only permitted to enter the lane to the extent that average vehicle speeds in the lane remain above forty-five miles per hour at least ninety percent of the time during the peak hour. The toll charge may vary in amount by time of day, level of traffic congestion within the highway facility, vehicle occupancy, or other criteria, as the commission may deem appropriate. The commission may also vary toll charges for single-occupant inherently low-emission vehicles such as those powered by electric batteries, natural gas, propane, or other clean burning fuels.

(c) The commission shall periodically review the toll charges to determine if the toll charges are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department shall monitor the state route 167 high-occupancy toll lane pilot project and shall annually report to the transportation commission and the legislature on operations and findings. At a minimum, the department shall provide facility use data and review the impacts on:

(a) Freeway efficiency and safety;

(b) Effectiveness for transit;

(c) Person and vehicle movements by mode;

(d) Ability to finance improvements and transportation services through tolls; and

(e) The impacts on all highway users. The department shall analyze aggregate use data and conduct, as needed, separate surveys to assess usage of the facility in relation to geographic, socioeconomic, and

demographic information within the corridor in order to ascertain actual and perceived questions of equitable use of the facility.

(4) The department shall modify the pilot project to address identified safety issues and mitigate negative impacts to high-occupancy vehicle lane users.

(5) Authorization to impose high-occupancy vehicle tolls for the state route 167 high-occupancy toll pilot project expires if either of the following two conditions apply:

(a) If no contracts have been let by the department to begin construction of the toll facilities associated with this pilot project within four years of the effective date of this section; or

(b) Four years after toll collection begins under this section.

(6) The department of transportation shall adopt rules that allow automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits.

(7) The conversion of a single existing high-occupancy vehicle lane to a high-occupancy toll lane as proposed for SR-167 must be taken as the exception for this pilot project.

(8) A violation of the lane restrictions applicable to the high-occupancy toll lanes established under this section is a traffic infraction.

NEW SECTION. Sec. 4. A new section is added to chapter 47.66 RCW to read as follows:

The high-occupancy toll lanes operations account is created in the state treasury. The department shall deposit all revenues received by the department as toll charges collected from high-occupancy toll lane users. Moneys in this account may be spent only if appropriated by the legislature. Moneys in this account may be used for, but be not limited to, debt service, planning, administration, construction, maintenance, operation, repair, rebuilding, enforcement, and expansion of high-occupancy toll lanes and to increase transit, vanpool and carpool, and trip reduction services in the corridor. A reasonable proportion of the moneys in this account must be dedicated to increase transit, vanpool, carpool, and trip reduction services in the corridor.

Sec. 5. RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) Proprietary information deemed confidential for the purposes of section 923, chapter 26, Laws of 2003 1st sp. sess.

(hhh) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 6. RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch

data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the

census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 7. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the

teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the

industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. Section captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. (1) Section 5 of this act expires June 30, 2005.
(2) Section 7 of this act expires July 1, 2005.

NEW SECTION. Sec. 11. (1) Section 6 of this act takes effect June 30, 2005.
(2) Section 8 of this act takes effect July 1, 2005."

Correct the title.

Representative Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Murray, G. Simpson and Jarrett spoke in favor of passage of the bill.

Representatives Ericksen and Armstrong spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2808.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2808 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Moeller, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Miloscia, Morrell, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Sump, Talcott and Woods - 41.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2808, having received the necessary constitutional majority, was declared passed.

With the consent of the House, Rule 13c was suspended.

HOUSE BILL NO. 2910, By Representatives G. Simpson, Cooper, Woods, Hinkle and Conway

Authorizing special license plates for fire fighters and paramedics.

The bill was read the second time. There being no objection, Substitute House Bill No. 2910 was substituted for House Bill No. 2910 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2910 was read the second time.

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

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2910.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2910 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest,

Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2910, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2941, By Representatives Murray, Ericksen, Hankins, Jarrett, McDermott, Rockefeller, Morris, G. Simpson, Wood, Campbell, Sommers, Santos, Sullivan, Wallace and Clibborn

Requiring vehicle registration at the residence address.

The bill was read the second time. There being no objection, Substitute House Bill No. 2941 was substituted for House Bill No. 2941 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2941 was read the second time.

Representative Murray moved the adoption of amendment (1019):

On page 2, beginning on line 32, strike everything through "(b)" on line 35 and insert the following:
"~~((1))~~ (a) Name and residence address of the owner of the vehicle if the vehicle is owned by an individual and, if the vehicle is subject to a security agreement, the name and address of the secured party;
~~((2))~~ (b) The name and principal place of business in Washington from which the business of the registered owner is directed, managed, or conducted if the vehicle is owned by a business or sole proprietorship;
(c)"

Reletter the paragraphs following consecutively and correct any internal references accordingly.

On page 4, line 3, after "director" insert "and shall include the applicant's residence address"

On page 4, beginning on line 5, after "law" strike all material through "knowledge" on line 9 and insert "including, but not limited to, all special motor vehicle excise taxes with respect to any taxing district of which the applicant is a resident. The applicant must provide a residence address or meet an exception as provided in RCW 46.16.040. When a vehicle license is renewed after the effective date of this act, the applicant must certify under penalty of perjury that the address provided for the vehicle registration is the residence address. Payment of applicable fees is certification that the vehicle registration address is the residence address or the applicant has submitted a change of address to meet the address requirements of this act"

On page 5, after line 33, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 46.16 RCW to read as follows:
All reasonable costs incurred by the department of licensing associated with the administration of address certification provisions for authorities receiving funds collected under chapter 35.95A RCW shall be paid by those authorities."

Correct the title.

Representatives Murray and Nixon spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2941.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2941 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Benson, Blake, Buck, Bush, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Alexander, Armstrong, Bailey, Boldt, Cairnes, Carrell, Chandler, Condotta, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Schindler, Sehlin and Sump - 24.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2941, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3054, By Representatives G. Simpson, Skinner, Hankins, Wood, Rockefeller, Clibborn, Hatfield, Clements, Armstrong and Delvin

Restoring the vehicle tire fee.

The bill was read the second time. There being no objection, Substitute House Bill No. 3054 was substituted for House Bill No. 3054 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3054 was read the second time.

Representative G. Simpson moved the adoption of amendment (938):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to read as follows:

(1) There is levied a one dollar per tire fee on the retail sale of new replacement vehicle tires (~~for a period of five years, beginning October 1, 1989~~). The fee imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller (~~less the ten percent amount retained by the seller as provided in RCW 70.95.535 shall~~) must be paid to the department of revenue in accordance with RCW 82.32.045, and the proceeds remaining after the deposit required by subsections (3) and (4) of this section, must be deposited into the vehicle tire recycling account created under section 2 of this act. If the seller fails to collect the fee or fails to remit the fee to the department of revenue in the manner prescribed, the seller is personally liable to the state for the amount of the fee. All other applicable provisions of chapter 82.32 RCW have full force and application with respect to the fee imposed under this section. The department of revenue shall administer this section.

(2) For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and used tires available for resale, but does not include retreaded vehicle tires.

(3) Of the one-dollar fee imposed in subsection (1) of this section, thirty cents must be deposited into the motor vehicle account and must be used by the department of transportation for road maintenance, which must incorporate the use of material derived from scrap tires.

(4) Of the one-dollar fee imposed in subsection (1) of this section, three cents must be deposited into the state patrol highway account and must be used by the state patrol for business inspection and enforcement activities under RCW 46.55.230, 46.79.090, 46.80.150, and 47.41.070.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95 RCW to read as follows:

The vehicle tire recycling account is created within the state treasury. After the deposit of funds into the motor vehicle account as provided for in RCW 70.95.510(3) and the state patrol highway account as provided for in RCW 70.95.510(4), the remaining funds received under RCW 70.95.510(1) must be deposited into the vehicle tire recycling account and used by the department of ecology for purposes including but not limited to those specified in RCW 70.95.535. The department of revenue shall deduct two percent from the funds collected under RCW 70.95.510 for the purpose of administering and collecting the fee from new replacement tire retailers.

NEW SECTION. Sec. 3. A new section is added to chapter 70.95 RCW to read as follows:

The department of ecology shall convene a committee consisting of one representative from the department of ecology and four members of the legislature, one from each caucus of the house of representatives and the senate. Legislative members from the house of representatives must be appointed by the speaker of the house, and legislative members from the senate must be appointed by the president of the senate. The committee is charged with the following duties:

(1) The committee shall prepare a statewide prioritized list of waste tire piles and a plan for their removal. The committee shall contact each county and request that the appropriate county departments (a) locate and identify waste tire piles in their county, and (b) submit a plan for removal. The statewide prioritized list of waste tire piles and plan for proper removal must be completed by January 1, 2005, and updated by annual reports to the legislature.

(2) The committee shall develop a plan for tracking the movement of waste tires to be completed by January 1, 2005, and updated by annual reports to the legislature. The plan must include the following elements:

- (a) A list of licensed waste tire transporters and storage businesses;
- (b) Quantities of waste tires being transported;
- (c) Locations where waste tires are being collected;
- (d) Locations where waste tires are transported;
- (e) What the waste tires are being used for;
- (f) Recommendations for additional enforcement; and
- (g) Recommendations for preventing future waste tire piles from forming.

Sec. 4. RCW 70.95.530 and 1988 c 250 s 1 are each amended to read as follows:

Moneys in the vehicle tire recycling account may be appropriated to the department of ecology for the following purposes:

(1) To provide ~~((for))~~ funding to state and local governments for the removal of discarded vehicle tires from ~~((unauthorized))~~ illegal tire ((dump sites)) piles;

(2) To ~~((accomplish the other purposes of RCW 70.95.020(5); and~~

~~((3) To fund the study authorized in section 2, chapter 250, Laws of 1988))~~ support the programs provided for in RCW 70.95.535(2) and section 3 of this act.

In spending funds in the account under this section, the department of ecology shall ~~((identify communities with the most severe problems with waste tires and))~~ provide funds first to those ~~((communities))~~ counties with high-priority sites to remove accumulations of waste tires.

Sec. 5. RCW 70.95.535 and 1989 c 431 s 93 are each amended to read as follows:

(1) Every person engaged in making retail sales of new replacement vehicle tires in this state ~~((shall retain ten percent of the collected))~~ may collect a service fee that is separate from the one-dollar fee collected under RCW 70.95.510. The moneys ~~((retained may))~~ from the service fee must be used for costs associated with the proper management of the waste vehicle tires by the retailer.

(2) The department of ecology will administer the funds contained in the vehicle tire recycling account for ~~((the))~~ purposes ((specified in RCW 70.95.020(5))) including, but not limited to:

(a) ~~((Making grants to local governments for pilot demonstration projects for on-site shredding and recycling of tires from unauthorized dump sites;~~

~~((b)))~~ Competitive grants to ((local)) county governments for removal of illegal waste tire piles and enforcement programs;

~~((c)))~~ (b) Implementation of a public information and education program to include posters, signs, and informational materials to be distributed to retail tire sales and tire service outlets;

~~((d)))~~ (c) Product marketing studies for recycled tires and alternatives to land disposal;

(d) Scrap tire demonstration projects including those implemented by state agencies;

(e) Statewide illegal tire pile cleanups, as provided for in RCW 70.95.530, and local citizen scrap tire amnesty events;

(f) Statewide tire carrier tracking, reporting, and enforcement of the movement of tires within this state.

(3) No less than twenty-three percent of the funds contained in the vehicle tire recycling account must be awarded to county governments for removal of illegal waste tire piles.

(4) County governments that are recipients of the enforcement program grant funding must submit an annual report to the department of ecology for each year the grant funding is expended, detailing the uses of the funds and including information on what enforcement activities were supported with the grant funds.

(5) No more than three percent of the funds contained in the vehicle tire recycling account may be used by the department of ecology for administration purposes."

Correct the title.

Representatives G. Simpson and Skinner spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives G. Simpson, Skinner, Cooper and Clements spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3054.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3054 and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Mielke, Morrell, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump and Talcott - 36.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3054, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2923, By Representatives Ericksen, Dickerson, Sullivan, Nixon and G. Simpson

Authorizing magnetic levitation transportation systems.

The bill was read the second time.

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

Representatives Ericksen and Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2923.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2923 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2923, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4039, By Representatives Ericksen, Dickerson, Sullivan, Campbell, Nixon, G. Simpson and Upthegrove

Requesting Congress to consider Washington for magnetic levitation transportation funding.

The joint memorial was read the second time.

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

Representatives Ericksen and Dickerson spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4039.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4039 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 98.

HOUSE JOINT MEMORIAL NO. 4039, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2753, By Representatives Linville and Rockefeller

Creating a joint legislative forest management work group and requiring final sustainable harvest levels to be adopted by rule.

The bill was read the second time. There being no objection, Substitute House Bill No. 2753 was substituted for House Bill No. 2753 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2753 was read the second time.

With the consent of the House, amendments (792), (793) and (1022) were withdrawn.

Representative Orcutt moved the adoption of amendment (905):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the department of natural resources manages state forests consistent with the forest practices rules, habitat conservation plans, and under a sustained yield harvest plan. The forest management required by these constraints necessarily means that wood products originating from state forests are managed consistent with advanced principles of sustainable forestry stewardship that meet or exceed the environmental and social standards of most public and private timber growing operations in both the nation and the world. As such, the state of Washington should aggressively market its wood products to end consumers and product manufacturers that are concerned with the forest practices used to grow the timber they are choosing to purchase.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the board of natural resources.
- (2) "Council" means the evergreen sustainable forestry council created in section 3 of this act.
- (3) "Department" means the department of natural resources.
- (4) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

NEW SECTION. Sec. 3. (1) The evergreen sustainable forestry council is created.

- (2) The council is comprised of:
 - (a) The commissioner of public lands, or the commissioner's designee;
 - (b) The governor, or the governor's designee;
 - (c) The superintendent of public instruction, or the superintendent's designee;
 - (d) A designee representing the state university system, appointed by the governor;
 - (e) A designee representing those counties that contain state forest lands, appointed by the governor;
 - (f) Two owners or operators of private commercial timberland, appointed by the governor, one being a small forest landowner;
 - (g) Two members of the house of representatives from different political parties, appointed by the speaker of the house of representatives; and
 - (h) Two members of the senate from different political parties, appointed by the president of the senate.
- (3) Staff to the council shall be provided by the department.

NEW SECTION. Sec. 4. (1) The council shall designate timber that satisfies the standards of this chapter as "evergreen certified."

(2) The council shall develop and implement a marketing plan for evergreen certified wood products. The goal of this plan is to:

- (a) Educate wood purchasers about the environmental stewardship and sustainable forest practices involved in the planting, growing, and harvesting of evergreen certified wood;
- (b) Promote evergreen certified wood in the marketplace as an alternative to the recognition of other third-party sustainable forestry certification organizations; and
- (c) Develop a niche market for evergreen certified wood that will bring a premium price to the producers of evergreen certified wood.

NEW SECTION. Sec. 5. (1) Timber produced on public lands in Washington shall be designated as "evergreen certified" by the council if the timber satisfies the following criteria:

- (a) The timber was managed in compliance with the forest practices rules adopted under chapter 76.09 RCW;
- (b) The timber was managed in compliance with any habitat conservation plan agreed to by the department and the federal government; and
- (c) The timber was harvested pursuant to a sustainable harvest plan adopted by the board under RCW 79.10.320.

(2) Timber produced on private lands in Washington must be designated as "evergreen certified" by the council if the timber was managed under the forest practices rules adopted under chapter 76.09 RCW.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 76 RCW."

Correct the title.

Representatives Orcutt, Buck, Sump and Kristiansen spoke in favor of the adoption of the amendment.

Representatives Rockefeller and Linville spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rockefeller moved the adoption of amendment (927):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that trust beneficiaries, rural communities, and sustainable forest harvest management may benefit if wood produced on state-owned forests can be certified as sustainable and marketed as such. It is the intent of this legislation to provide the legislature, the board of natural resources, and other interested parties with the information that will allow for an informed decision on this policy question prior to the final adoption of a sustainable harvest calculation by the board of natural resources.

NEW SECTION. Sec. 2. (1) The department of natural resources shall prepare a report for the legislature and the board of natural resources that identifies:

(a) What changes to the current state forest management practices, including the provisions of any applicable habitat conservation plans, need to be implemented for state-managed forests to achieve third-party sustainable forestry certification under the standards of major sustainable forestry certification organizations;

(b) What added changes in operational costs would be associated with the changes in management practices necessary to achieve certifications;

(c) Whether and how the preferred sustainable harvest level alternative identified by the board of natural resources would satisfy the state's responsibilities under any applicable habitat conservation plans; and

(d) How the preferred sustainable harvest level calculation identified by the board of natural resources increases or decreases the cost of compliance with the standards of major sustainable forestry certification organizations.

(2) The department of natural resources shall complete its report and submit it to the board of natural resources and the appropriate standing committees of the legislature no later than September 14, 2004. The department shall include in its report sufficient detail on its calculations to facilitate the review and comment process established in subsection (3) of this section.

(3) The department of natural resources shall make copies of the report available to any interested party who wishes to review and comment on the report. Comments should be addressed to the chairs of the appropriate standing committees of the legislature.

Sec. I. RCW 79.10.320 and 2003 c 334 s 538 are each amended to read as follows:

(1) The department shall manage the state-owned lands under its jurisdiction which are primarily valuable for the purpose of growing forest crops on a sustained yield basis insofar as compatible with other statutory directives. To this end, the department shall periodically adjust the acreages designated for inclusion in the sustained yield management program and calculate a sustainable harvest level.

(2) For the final sustainable harvest level intended to be adopted by the board during calendar year 2004, the board may identify a single preferred harvest level alternative, and may only adopt a sustainable harvest level after:

(a) The report required in section 2 of this act has been produced and delivered to the appropriate standing committees of the legislature;

(b) A legislative review of the report has been conducted by the appropriate standing committees of the legislature; and

(c) At least one hearing has been held by the board of natural resources on the findings in the report and the results of the legislative review.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 4.** This act expires on July 1, 2005."

Correct the title.

Representative Sump moved the adoption of amendment (934) to amendment (927):

On page 1, line 10 of the amendment, after "question" strike "prior to the final adoption of a sustainable harvest calculation by the board of natural resources"

On page 2, beginning on line 14 of the amendment, strike all of section 3

Correct the title and renumber the sections accordingly.

Representatives Sump, Schoesler, Orcutt and Buck spoke in favor of the adoption of the amendment to the amendment.

Representatives Linville and Rockefeller spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Amendment (927) was adopted. The bill was ordered engrossed.

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

Representatives Rockefeller and Linville spoke in favor of passage of the bill.

Representatives Schoesler, Sump, Schoesler (again) and Orcutt spoke against the passage of the bill.

MOTION

On motion of Representative Clements, Representatives Mielke and Skinner were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2753.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2753 and the bill passed the House by the following vote: Yeas - 55, Nays - 41, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hatfield, Hinkle, Holmquist, Kessler, Kristiansen, Mastin, McDonald, McMahan, McMorris, Newhouse, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Shabro, Sump, Talcott and Woods - 41.

Excused: Representatives Mielke and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 2780, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 3029, By Representatives Fromhold, Kenney, Moeller, Quall, Lovick, Sommers, Santos, Lantz, Conway and Upthegrove

Authorizing the use of Mexican consular photo identification cards for identification purposes.

The bill was read the second time.

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

Representative Fromhold spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3029.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3029 and the bill passed the House by the following vote: Yeas - 55, Nays - 41, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Clements, Condotta, Cox, Crouse, Delvin, Eickmeyer, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, McMorris, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump, Talcott and Woods - 41.

Excused: Representatives Mielke and Skinner - 2.

HOUSE BILL NO. 3029, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2764, By Representatives Kagi, Dickerson, Moeller, Chase and Kenney

Providing for integration of services for deaf and hard of hearing children.

The bill was read the second time.

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

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2764.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2764 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Mielke and Skinner - 2.

HOUSE BILL NO. 2764, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2765, By Representatives Dickerson, Kagi, McDermott, Moeller, Talcott, Chase, Conway, Kenney and Morrell

Establishing an advisory council on early interventions for children who are deaf or hard of hearing.

The bill was read the second time.

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

Representatives Dickerson and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2765.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2765 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Schoesler - 1.

Excused: Representatives Mielke and Skinner - 2.

HOUSE BILL NO. 2765, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2131, By Representatives Grant, Chandler, Upthegrove, Clements, Cooper, Armstrong and Morris

Concerning retail sales by the liquor control board.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2131 was substituted for House Bill No. 2131 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2131 was read the second time.

Representative Ericksen moved the adoption of amendment (994):

On page 2, line 4, after "sales" insert "of spirits only"

On page 2, line 6, after "July 1, 2007;" insert "however any Sunday sales shall be sales of spirits only;"

On page 2, line 18, after "include" strike "Sundays" and insert "Sunday sales of spirits only"

Representative Ericksen spoke in favor of the adoption of the amendment.

Representatives McIntire and Delvin spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (950):

On page 2, line 10, after "vendors;" strike "and"

On page 2, line 13, after "authorized" insert "; and
(4) Requiring that all new state liquor stores be colocated with retail grocers"

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (861) was withdrawn.

Representative Schindler moved the adoption of amendment (1005):

On page 3, line 25, after "(3)" insert "(a)"

On page 4, after line 2, insert the following:

"(b) The board may not open a state-operated liquor store on Sundays in a city where it has a proposed or voluntary alcohol impact area or an existing alcohol impact area approved by the board."

Representative Schindler spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Nixon moved the adoption of amendment (886):

On page 7, after line 24, insert the following:

"NEW SECTION. **Sec. 7.** A new section is added to chapter 66.16 RCW to read as follows:

Employees in state liquor stores, including agency vendor liquor stores, may not be required to work on their sabbath if doing so would violate their religious beliefs.

Renumber the remaining sections and correct the title accordingly.

Representatives Nixon and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (967) was withdrawn.

Representative Ericksen moved the adoption of amendment (865):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.16.080 and 1988 c 101 s 1 are each amended to read as follows:

No sale or delivery of liquor shall be made on or from the premises of any state liquor store, nor shall any store be open for the sale of liquor, on Sunday or Monday, unless the board determines that unique circumstances exist which necessitate Sunday liquor sales by vendors appointed under RCW 66.08.050(2) of products of their own manufacture, not to exceed one case of liquor per customer."

Correct the title.

Representatives Ericksen and Mastin spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the favor of the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Grant, Conway and Ruderman spoke in favor of passage of the bill.

Representatives Benson, Clements, Bush and Ahern spoke against the passage of the bill.

POINT OF ORDER

Representative Anderson: "Mr. Speaker, I believe we have sort of beat this bill to death and we are wandering into other topics that perhaps are not germane to the bill."

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "The gentleman's point is well taken. The Speaker would like to say to the members that I think that the good lady from the 45th District remarks were germane to the bill but the Speaker will agree that it is time to vote on this bill."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2131.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2131 and the bill passed the House by the following vote: Yeas - 51, Nays - 45, Absent - 0, Excused - 2.

Voting yea: Representatives Armstrong, Blake, Buck, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Edwards, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lovick, Mastin, McCoy, McDermott, McIntire, Moeller, Morrell, Murray, Ormsby, Pettigrew, Quall, Rockefeller, Ruderman, Santos, Schoesler, Schual-Berke, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Eickmeyer, Ericksen, Flannigan, Holmquist, Jarrett, Kristiansen, Lantz, Linville, McDonald, McMahan, McMorris, Miloscia, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Romero, Schindler, Sehlin, Shabro, D. Simpson, Sump, Talcott and Woods - 45.

Excused: Representatives Mielke and Skinner - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2131, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2488, By Representatives Cooper, Campbell, Hunt, Romero, O'Brien, Chase, Sullivan, Ruderman, Dunshee, Wood and Dickerson

Requiring electronic product management.

The bill was read the second time. There being no objection, Substitute House Bill No. 2488 was substituted for House Bill No. 2488 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2488 was read the second time.

Representative Cooper moved the adoption of amendment (941):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that advances in technology have created a significant number of obsolete electronic products. The legislature also finds the challenge of providing electronic product management and recycling opportunities for Washington residents can be effectively addressed through partnerships with electronic product manufacturers, retailers, consumers, local governments, waste haulers, recyclers, nonprofit organizations, and other stakeholders. Therefore, the legislature finds that the department of ecology shall work with electronic product stakeholders to evaluate existing projects, encourage new pilot projects as needed, and develop recommendations for implementing and financing the collection, recycling, and reuse of electronic products throughout the state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 1 through 3 of this act unless the context clearly requires otherwise.

(1) "Covered electronic product" means all computer monitors, personal computers, and televisions. Covered electronic product does not include medical devices and products, including materials intended for use as ingredients in such products, as such terms are defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts.

(2) "Department" means the department of ecology.

(3) "Electronic waste" means a covered electronic product that has been discarded by its owner, or that has entered the solid waste stream.

(4) "Historic waste" means discarded covered electronic products that were produced before June 30, 2006.

(5) "Manufacturer" means any person who, as of the effective date of this act: (a) Manufactures and sells covered electronic equipment under its own brand; (b) manufactures and sells covered electronic equipment without affixing a brand; or (c) resells covered electronic products produced by other suppliers under its own brand and label. The term "manufacturer" applies regardless of the selling technique used, including distance communication.

(6) "Orphan waste" means electronic waste that was manufactured by, or bears the brand of, a manufacturer that is no longer in business.

(7) "Recycling" means the use of previously manufactured materials including metals, glass, and plastics, as feedstock in the manufacturing of new products. "Recycling" does not include energy recovery or energy generation by means of combusting electronic waste with or without other waste.

(8) "Reuse" means any operation by which electronic waste or components of electronic waste are used for the same purposes for which they were originally created, including the continued use of the equipment or components of the equipment that are returned to collection points, recyclers, or manufacturers.

NEW SECTION. Sec. 3. (1) The department, in consultation with the solid waste advisory committee created under RCW 70.95.040, shall conduct research and develop recommendations for implementing and financing an electronic product collection, recycling, and reuse program. The department and the solid waste advisory committee shall consult with stakeholders including persons who represent covered electronic product manufacturers, covered electronic product retailers, waste haulers, electronics recyclers, charities, cities, counties, environmental organizations, public interest organizations, and other interested parties that have a role or interest in the collection, reuse, and recycling of electronic waste.

(2) The department shall identify and evaluate existing projects and encourage new pilot projects for electronic product collection, recycling, and reuse that allow for new information to be obtained. In evaluating new and existing projects, factors to be considered include:

- (a) Urban versus rural recycling challenges and issues;
- (b) The involvement of electronic product manufacturers;
- (c) Different methods of financing the collection, reuse, and recycling programs for electronic products;
- (d) The impact of the approach on local governments, nonprofit organizations, waste haulers, and other stakeholders;
- (e) How to address historic and orphan waste; and
- (f) The effect of landfill bans on collection and recovery of electronic products.

(3) The department shall also:

- (a) Examine existing programs and infrastructure for reuse and recycling of electronic waste;
 - (b) Compile information on electronic product manufacturers' electronic product collection, recycling, and reuse programs;
 - (c) Review existing data on the costs to collect, transport, and recycle electronic waste;
 - (d) Develop possible performance measures to assess the effectiveness of collection, reuse, and recycling of covered electronic products;
 - (e) Develop a description of what could be accomplished voluntarily and what would require regulation or legislation if needed to implement the recommended statewide collection, recycling, and reuse program for covered electronic products;
 - (f) Research the potential impacts of recycling or reusing electronic waste on jobs, recycling infrastructure, and economic development;
 - (g) Evaluate the suitability of lined and unlined facilities for the disposal of covered electronic products;
 - (h) Explore state financial incentives for developing business opportunities and jobs in the area of electronic product recycling and reuse infrastructure;
 - (i) Develop and assess ways to establish and finance a statewide collection, reuse, and recycling program for covered electronic products; and
 - (j) Work with the federal environmental protection agency, other federal agencies, and interested stakeholders to:
 - (i) Determine the amount of electronic waste exported from Washington that is subject to reporting under 40 C.F.R. part 262;
 - (ii) Determine the amount of electronic waste exported from Washington that is not subject to reporting under 40 C.F.R. part 262, including electronic waste from households, small quantity generators, regulated generators, and other sources; and
 - (iii) Identify methods to determine if exports of electronic waste from Washington are in compliance with national laws in destination countries.
- (4) The department shall report its findings and recommendations for implementing and financing a state electronic product collection, recycling, and reuse program to the appropriate committees of the legislature by December 15, 2004.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act expire June 30, 2005."

Correct the title.

Representative Cooper spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Cooper and Hinkle spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representatives Edwards and Wallace were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2488.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2488 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1000, By House Committee on Local Government (originally sponsored by Representatives Sullivan, Cooper, Chase, O'Brien, Haigh and Nixon)

Regulating the authority of metropolitan municipal corporations to acquire property.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1000 was returned to second reading for purpose of amendment.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1000, By House Committee on Local Government (originally sponsored by Representatives Sullivan, Cooper, Chase, O'Brien, Haigh and Nixon)

Regulating the authority of metropolitan municipal corporations to acquire property.

The bill was read the second time.

Representative O'Brien moved the adoption of amendment (958):

On page 2, beginning on line 4, strike all of section 2

Correct the title.

Representative O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Sullivan and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1000.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1000 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Clibborn, Conway, Hudgins, Jarrett and G. Simpson - 5.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000.

TIMM ORMSBY, 3rd District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000.

PHYLLIS KENNEY, 46th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000.

VELMA VELORIA, 11th District

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

THIRD READING

HOUSE BILL NO. 1935, By Representatives Haigh, Ahern and Hatfield

Changing prerequisites for county auditors calling special elections.

The bill was read the third time.

Representatives Haigh and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1935.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1935 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

HOUSE BILL NO. 1935, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1967, By Representatives Haigh, Miloscia and Hunt; by request of Department of General Administration

Allowing the state purchasing and material control director to receive electronic and web-based bids.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1967.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1967 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2406, By Representatives McCoy, Rockefeller, Conway, McDermott, Sullivan, Ormsby, Fromhold, Hunt, Lovick, Cooper, Haigh, Anderson, Kenney, Santos, Darneille, Chase, Moeller and Lantz

Requiring tribal history and culture curriculum.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2406 was substituted for House Bill No. 2406 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2406 was read the second time.

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

Representatives McCoy and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2406.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2406 and the bill passed the House by the following vote: Yeas - 82, Nays - 12, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Blake, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Armstrong, Benson, Boldt, Bush, Condotta, Crouse, Hinkle, Holmquist, McMahan, Newhouse, Orcutt and Schindler - 12.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 2406, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2541, By Representatives Conway, Fromhold and Moeller; by request of Select Committee on Pension Policy

Establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems.

The bill was read the second time.

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

Representatives Conway and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2541.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2541 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Anderson - 1.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

HOUSE BILL NO. 2541, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2754, By Representatives Linville and Rockefeller

Preventing the sexual abuse of children by custodians.

The bill was read the second time.

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

Representative Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2754.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2754 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

HOUSE BILL NO. 2754, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2783, By Representatives Pettigrew, Skinner, O'Brien, Jarrett, Sullivan, Priest, Hunt, Cooper, Conway, Cairnes, Eickmeyer, Kirby, G. Simpson, Ruderman, Schual-Berke, Chase, Lantz, Kenney, Morrell, Wood and Murray

Providing a property tax exemption for nonprofits that assist small businesses.

The bill was read the second time. There being no objection, Substitute House Bill No. 2783 was substituted for House Bill No. 2783 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2783 was read the second time.

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

Representatives Pettigrew and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2783.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2783 and the bill passed the House by the following vote: Yeas - 65, Nays - 29, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Blake, Buck, Bush, Cairnes, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pettigrew, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Boldt, Carrell, Chandler, Clements, Condotta, Cox, Crouse, Darneille, DeBolt, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, Newhouse, Nixon, Pearson, Priest, Schindler, Schoesler, Sehlin, Shabro and Woods - 29.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

SUBSTITUTE HOUSE BILL NO. 2783, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2783.

PATRICIA LANTZ, 26th District

HOUSE BILL NO. 2807, By Representatives Murray, Cox, Quall, McIntire, Kenney and Edwards

Providing for rules concerning off-campus behavior of higher education students.

The bill was read the second time. There being no objection, Substitute House Bill No. 2807 was substituted for House Bill No. 2807 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2807 was read the second time.

Representative Murray moved the adoption of amendment (935):

On page 1, beginning on line 6, strike all material through "representatives." on line 15 and insert the following:

"(1) Each institution of higher education shall adopt rules regarding disruptive off-campus conduct of students, including sanctions. Sanctions may include, but are not limited to, counseling, probation, suspension, or expulsion.

(2) As used in this section, "disruptive off-campus conduct" means any conduct that results in a citation or conviction for the violation of laws or ordinances and that:

(a) Interferes with the institution of higher education's relationship with the surrounding community;

(b) Harms the reputation of the institution of higher education; or

(c) Violates the institution of higher education's policies.

(3) As used in this section, "off-campus" means neighborhoods, businesses, and public places that are proximate to the campus of the institution.

(4) Rules adopted under this section may not violate the civil rights of students protected under the Constitution of the United States or the state of Washington. The rules must also provide due process procedures for students who have been accused of disruptive off-campus conduct.

(5) Each institution of higher education shall report the substance of the rules adopted under this section to the higher education committees of the legislature by December 1, 2004."

Representatives Murray and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Murray and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2807.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2807 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Voloria, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Hudgins, Morrell and Upthegrove - 3.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2807, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on HOUSE BILL NO. 2934, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2968, By Representatives Linville, Quall and Rockefeller

Providing excise tax deductions for governmental payments to nonprofit organizations for salmon restoration.

The bill was read the second time.

Representative Cairnes moved the adoption of amendment (816):

On page 1, line 11, after "support" strike "volunteer recruitment, volunteer training, public outreach, and education for"

Representatives Cairnes and Buck spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

There being no objection, the House deferred action on HOUSE BILL NO. 2968, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2934, By Representatives Wallace, Clements, Jarrett, Sump, Orcutt, Darneille, Moeller, Hudgins, Hunt, Boldt, Morrell, Campbell, Sullivan, Linville, Condotta, Newhouse, Shabro and Kenney

Limiting homeowners' associations' restrictions on the display of the flag.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2934.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2934 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

HOUSE BILL NO. 2934, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3036, By Representatives Hunter, Cairnes, Roach and Nixon

Modifying unclaimed property laws for gift certificates.

The bill was read the second time.

Representative Hunter moved the adoption of amendment (975):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to relieve businesses from the obligation of reporting gift certificates as unclaimed property. In order to protect consumers, the legislature intends to prohibit acts and practices of retailers that deprive consumers of the full value of gift certificates, such as expiration dates, service fees, and dormancy and inactivity charges, on gift certificates. The legislature does not intend that this act be construed to apply to cards or other payment instruments issued for payment of wages or other intangible property. To that end, the legislature intends that this act should be liberally construed to benefit consumers and that any ambiguities should be resolved by applying the uniform unclaimed property act to the intangible property in question.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Artistic and cultural organization" has the same meaning as in RCW 82.04.4328.
- (2) "Charitable organization" means an organization exempt from tax under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)).
- (3) "Fund-raising activity" has the same meaning as in RCW 82.04.3651.
- (4) "Gift card" means a record as described in subsection (5) of this section in the form of a card, or a stored value card or other physical medium, containing stored value primarily intended to be exchanged for consumer goods and services.
- (5) "Gift certificate" means an instrument evidencing a promise by the seller or issuer of the record that consumer goods or services will be provided to the bearer of the record to the value or credit shown in the record and includes gift cards.
- (6) "Bearer" means a person with a right to receive consumer goods and services under the terms of a gift certificate, without regard to any fee, expiration date, or dormancy or inactivity charge.
- (7) "Issue" means to sell or otherwise provide a gift certificate to any person, and includes reloading or adding value to an existing gift certificate.
- (8) "Stored value" has the same meaning as in RCW 19.230.010.

NEW SECTION. Sec. 3. (1) Except as provided in sections 4 through 8 of this act, it is unlawful for any person or entity to issue, or to enforce against a bearer, a gift certificate that contains:

- (a) An expiration date;
 - (b) Any fee, including a service fee; or
 - (c) A dormancy or inactivity charge.
- (2) If a gift certificate is issued with the sale of tangible personal property or services, the gift certificate is subject to subsection (1) of this section.
- (3) If a purchase is made with a gift certificate for an amount that is less than the value of the gift certificate, the issuer must make the remaining value available to the bearer in cash or as a gift certificate at the option of the issuer. If after the purchase the remaining value of the gift certificate is less than five dollars, the gift certificate must be redeemable in cash for its remaining value on demand of the bearer. A gift certificate is valid until redeemed or replaced.
- (4) This section does not require, unless otherwise required by law, the issuer of a gift certificate to replace a lost or stolen gift certificate.

NEW SECTION. Sec. 4. (1) It is lawful to issue, and to enforce against the bearer, a gift certificate containing an expiration date if:

- (a) The gift certificate is issued pursuant to an awards or loyalty program or in other instances where no money or other thing of value is given in exchange for the gift certificate.
 - (b) The gift certificate is donated to a charitable organization without any money or other thing of value being given in exchange for the gift certificate if the gift certificate is used by a charitable organization solely to provide charitable services.
- (2) The expiration date must be disclosed clearly and legibly on any gift certificate described in subsection (1) of this section.

NEW SECTION. Sec. 5. It is lawful to issue, and to enforce against the bearer, a gift card containing a dormancy or inactivity charge if:

- (1) A statement is printed on the gift card in at least six-point font stating the amount of the charge, how often the charge will occur, and that the charge is triggered by inactivity of the gift card. The statement may

appear on the front or back of the gift card, but shall appear in a location where it is visible to any purchaser before the purchase of the gift card;

- (2) The remaining value of the gift card is five dollars or less each time the charge is assessed;
- (3) The charge does not exceed one dollar per month;
- (4) The charge can only be assessed when there has been no activity on the gift card for twenty-four consecutive months, including but not limited to, purchases, the adding of value, or balance inquiries;
- (5) The bearer may reload or add value to the gift card; and
- (6) After a dormancy or inactivity charge is assessed, the remaining value of the gift certificate is redeemable in cash on demand.

NEW SECTION. Sec. 6. It is lawful to issue, and to enforce against the bearer, a gift certificate containing an expiration date if:

- (1) The gift certificate is donated to a charitable organization and is used for fund-raising activities of a charitable organization, without any money or other thing of value being given in exchange for the gift certificate by the charitable organization;
- (2) The expiration date is clearly and legibly printed on the front or face of the gift certificate, or printed on the back of the certificate in at least ten-point font; and
- (3) The expiration date is at least one year from the date the gift certificate is issued by the charitable organization.

NEW SECTION. Sec. 7. It is lawful to issue, and to enforce against the bearer, a gift certificate containing an expiration date if:

- (1) The gift certificate is redeemable solely for goods or services provided in the state of Washington by artistic and cultural organizations;
- (2) The expiration date is clearly and legibly printed on the front or face of the gift certificate, or printed on the back of the certificate in at least ten-point font;
- (3) The expiration date is at least three years from the date the gift certificate is issued by the artistic and cultural organizations; and
- (4) The unused value of the gift certificate at the time of expiration accrues solely to the benefit of artistic and cultural organizations.

NEW SECTION. Sec. 8. A requirement under sections 4 through 7 of this act that a statement or expiration date be printed on a gift certificate is satisfied if the statement appears as otherwise required on a sticker permanently affixed to the gift certificate.

NEW SECTION. Sec. 9. An issuer is not required to honor a gift certificate presumed abandoned under RCW 63.29.110, reported, and delivered to the department of revenue in the dissolution of a business association.

NEW SECTION. Sec. 10. (1) A gift certificate constitutes value held in trust by the issuer of the gift certificate on behalf of the beneficiary of the gift certificate. The value represented by the gift certificate belongs to the beneficiary, or to the legal representative of the beneficiary to the extent provided by law, and not to the issuer.

(2) An issuer of a gift certificate who is in bankruptcy shall continue to honor a gift certificate issued before the date of the bankruptcy filing on the grounds that the value of the gift certificate constitutes trust property of the beneficiary.

(3) The terms of a gift certificate may not make its redemption or other use invalid in the event of a bankruptcy.

(4) This section does not require, unless otherwise required by law, the issuer of a gift certificate to:

- (a) Redeem a gift certificate for cash;
- (b) Replace a lost or stolen gift certificate; or
- (c) Maintain a separate account for the funds used to purchase the gift certificate.

(5) This section does not create an interest in favor of the beneficiary of the gift certificate in any specific property of the issuer.

(6) This section does not create a fiduciary or quasi-fiduciary relationship between the beneficiary of the gift certificates and the issuer unless otherwise provided by law.

(7) The issuer of a gift certificate has no obligation to pay interest on the value of a gift certificate held in trust under this section, unless otherwise provided by law.

NEW SECTION. Sec. 11. This chapter does not apply to gift certificates issued by financial institutions as defined in RCW 30.22.041 or their operating subsidiaries that are usable with multiple unaffiliated sellers of goods or services.

NEW SECTION. Sec. 12. An agreement made in violation of the provisions of this chapter is contrary to public policy and is void and unenforceable against the bearer.

Sec. 13. RCW 63.29.010 and 1983 c 179 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Department" means the department of revenue established under RCW 82.01.050.
- (2) "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder.
- (3) "Attorney general" means the chief legal officer of this state referred to in chapter 43.10 RCW.
- (4) "Banking organization" means a bank, trust company, savings bank, land bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization.
- (5) "Business association" means a nonpublic corporation, joint stock company, investment company, business trust, partnership, or association for business purposes of two or more individuals, whether or not for profit, including a banking organization, financial organization, insurance company, or utility.
- (6) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person.
- (7) "Financial organization" means a savings and loan association, cooperative bank, building and loan association, or credit union.
- (8) "Gift certificate" has the same meaning as in section 2 of this act.
- (9) "Holder" means a person, wherever organized or domiciled, who is:
 - (a) In possession of property belonging to another,
 - (b) A trustee, or
 - (c) Indebted to another on an obligation.
- ~~((9))~~ (10) "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance.
- ~~((10))~~ (11) "Intangible property" does not include contract claims which are unliquidated but does include:
 - (a) Moneys, checks, drafts, deposits, interest, dividends, and income;
 - (b) Credit balances, customer overpayments, gift certificates, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances, but does not include discounts which represent credit balances for which no consideration was given;
 - (c) Stocks, and other intangible ownership interests in business associations;
 - (d) Moneys deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;
 - (e) Liquidated amounts due and payable under the terms of insurance policies; and
 - (f) Amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.
- ~~((11))~~ (12) "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail.
- ~~((12))~~ (13) "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this chapter or his legal representative.
- ~~((13))~~ (14) "Person" means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.
- ~~((14))~~ (15) "State" means any state, district, commonwealth, territory, insular possession, or any other area subject to the legislative authority of the United States.
- ~~((15))~~ (16) "Third party bank check" means any instrument drawn against a customer's account with a banking organization or financial organization on which the banking organization or financial organization is only secondarily liable.
- ~~((16))~~ (17) "Utility" means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Sec. 14. RCW 63.29.020 and 2003 1st sp.s. c 13 s 1 are each amended to read as follows:

- (1) Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than three years after it became payable or distributable is presumed abandoned.

(2) Property, with the exception of unredeemed Washington state lottery tickets and unrepresented winning parimutuel tickets, is payable and distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.

(3) This chapter does not apply to claims drafts issued by insurance companies representing offers to settle claims unliquidated in amount or settled by subsequent drafts or other means.

(4) This chapter does not apply to property covered by chapter 63.26 RCW.

(5) This chapter does not apply to used clothing, umbrellas, bags, luggage, or other used personal effects if such property is disposed of by the holder as follows:

(a) In the case of personal effects of negligible value, the property is destroyed; or

(b) The property is donated to a bona fide charity.

(6) This chapter does not apply to a gift certificate subject to the prohibition against expiration dates under section 3 of this act or to a gift certificate subject to sections 4 through 7 of this act. However, this chapter applies to gift certificates presumed abandoned under RCW 63.29.110.

Sec. 15. RCW 63.29.140 and 2003 1st sp.s. c 13 s 7 are each amended to read as follows:

(1) A gift certificate or a credit memo issued in the ordinary course of an issuer's business which remains unclaimed by the owner for more than three years after becoming payable or distributable is presumed abandoned.

(2) In the case of a gift certificate, the amount presumed abandoned is the price paid by the purchaser for the gift certificate. In the case of a credit memo, the amount presumed abandoned is the amount credited to the recipient of the memo.

(3) A gift certificate that is presumed abandoned under this section may, but need not be, included in the report as provided under RCW 63.29.170(4). If a gift certificate that is presumed abandoned under this section is not timely reported as provided under RCW 63.29.170(4), sections 1 through 12 of this act apply to the gift certificate.

Sec. 16. RCW 63.29.170 and 2003 c 237 s 1 are each amended to read as follows:

(1) A person holding property presumed abandoned and subject to custody as unclaimed property under this chapter shall report to the department concerning the property as provided in this section.

(2) The report must be verified and must include:

(a) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property with a value of more than fifty dollars presumed abandoned under this chapter;

(b) In the case of unclaimed funds of more than fifty dollars held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

(c) In the case of the contents of a safe deposit box or other safekeeping repository or in the case of other tangible property, a description of the property and the place where it is held and where it may be inspected by the department, and any amounts owing to the holder;

(d) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items with a value of fifty dollars or less each may be reported in the aggregate;

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and

(f) Other information the department prescribes by rule as necessary for the administration of this chapter.

(3) If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or the holder has changed his or her name while holding the property, the holder shall file with the report all known names and addresses of each previous holder of the property.

(4) The report must be filed before November 1st of each year and shall include, except as provided in RCW 63.29.140(3), all property presumed abandoned and subject to custody as unclaimed property under this chapter that is in the holder's possession as of the preceding June 30th. On written request by any person required to file a report, the department may postpone the reporting date.

(5) After May 1st, but before August 1st, of each year in which a report is required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at the last known address informing him or her that the holder is in possession of property subject to this chapter if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate;

(b) The claim of the apparent owner is not barred by the statute of limitations; and

(c) The property has a value of more than seventy-five dollars.

NEW SECTION. Sec. 17. Sections 1 through 12 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 18. Sections 1 through 12 of this act apply to:
(1) Gift certificates issued on or after July 1, 2004; and
(2) Those gift certificates presumed abandoned on or after July 1, 2004, and not reported as provided in RCW 63.29.170(4).

NEW SECTION. Sec. 19. Sections 13 and 14 of this act take effect July 1, 2004.

NEW SECTION. Sec. 20. Sections 15 and 16 of this act take effect January 1, 2005."

Correct the title.

Representatives Hunter and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hunter and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3036.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3036 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

ENGROSSED HOUSE BILL NO. 3036, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3070, By Representatives Veloria and Chase

Modifying the appointment process for the joint legislative oversight committee on trade policy.

The bill was read the second time.

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

Representative Veloria spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3070.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3070 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

HOUSE BILL NO. 3070, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2772, By Representatives Schual-Berke, Cody, O'Brien, G. Simpson, Moeller, Dickerson, Chase and Conway

Controlling genetic information.

The bill was read the second time. There being no objection, Substitute House Bill No. 2772 was substituted for House Bill No. 2772 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2772 was read the second time.

Representative Schual-Berke moved the adoption of amendment (883):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.18.480 and 1957 c 193 s 12 are each amended to read as follows:

~~((No))~~ An insurer shall not make or permit any unfair discrimination between insureds or subjects of insurance having substantially like insuring, risk, and exposure factors, and expense elements, in the terms or conditions of any insurance contract, or in the rate or amount of premium charged therefor, or in the benefits payable or in any other rights or privileges accruing thereunder. This ~~((provision shall))~~ section does not prohibit fair discrimination by a life insurer as between individuals having unequal expectation of life, except that insurers may not require a person to undergo a genetic test or provide the results of a previous genetic test as a condition of offering or renewing insurance. If an insurer has information from a genetic test, the insurer may only use that information if it demonstrates the active presence of disease or illness. An insurer may not use information from a genetic test if the information only demonstrates a propensity for a condition or illness and not the active presence of disease or illness.

(1) "Genetic information" means written or recorded information about genes, gene products, or genetic characteristics derived from an individual or a family member of the individual. "Gene product" is a scientific term that means messenger RNA and translated protein. For purposes of this chapter, "genetic information" shall not include routine physical measurements: Chemical, blood, and urine analysis, unless conducted purposely to diagnose a genetic characteristic; tests for the abuse of drugs; tests for cholesterol; and tests for the presence of HIV. Family histories do not constitute genetic information.

(2) "Genetic test" means a test of human DNA, RNA, mitochondrial DNA, chromosomes, or other material for the purpose of identifying genes, inherited or acquired genetic abnormalities, or the presence or absence of inherited or acquired characteristics in the genetic material. For the purposes of this section, "genetic test" does not include tests given for cholesterol or HIV. Employers may test for the presence of drugs or alcohol, but may not use the results of these tests to gain genetic information.

NEW SECTION. Sec. 2. A new section is added to chapter 49.44 RCW to read as follows:

It is unlawful for any person, firm, corporation, or the state of Washington, its political subdivisions, or municipal corporations to require, directly or indirectly, that any employee or prospective employee submit genetic information or submit to screening for genetic information as a condition of employment or continued employment. On the effective date of this section, if an employer possesses genetic information about an employee, it is unlawful for the employer to disclose the genetic information without the employee's informed consent.

(1) "Genetic information" means written or recorded information about genes, gene products, or genetic characteristics derived from an individual or a family member of the individual. "Gene product" is a scientific term that means messenger RNA and translated protein. For purposes of this chapter, "genetic information" shall not include routine physical measurements: Chemical, blood, and urine analysis, unless conducted purposely to diagnose a genetic characteristic; tests for the abuse of drugs; tests for cholesterol; and tests for the presence of HIV. Family histories do not constitute genetic information.

(2) "Genetic test" means a test of human DNA, RNA, mitochondrial DNA, chromosomes, or other material for the purpose of identifying genes, inherited or acquired genetic abnormalities, or the presence or absence of inherited or acquired characteristics in the genetic material. For the purposes of this section, "genetic test" does not include tests given for cholesterol or HIV. Employers may test for the presence of drugs or alcohol, but may not use the results of these tests to gain genetic information.

Sec. 3. RCW 49.60.020 and 1993 c 510 s 2 are each amended to read as follows:

~~((The provisions of))~~ This chapter shall be construed liberally for the accomplishment of the purposes thereof. ~~((Nothing contained in))~~ This chapter ~~((shall be deemed to))~~ does not repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, national origin, sex, genetic information, marital status, age, or the presence of any sensory, mental, or physical disability, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. ~~((Nor shall anything herein contained be construed to))~~ This chapter does not deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his or her civil rights.

Sec. 4. RCW 49.60.030 and 1997 c 271 s 2 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person is recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (a) The right to obtain and hold employment without discrimination;
- (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;
- (c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;
- (d) The right to engage in credit transactions without discrimination;
- (e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination~~((= PROVIDED, That))~~. A practice ~~((which))~~ that is not unlawful under RCW 48.18.480, 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or national origin or lawful business relationship~~((= PROVIDED HOWEVER, That))~~. Nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not

reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

Sec. 5. RCW 49.60.040 and 1997 c 271 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

(16) "Complainant" means the person who files a complaint in a real estate transaction;

(17) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

(18) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

(19) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(20) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

(21) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

(22) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

(23) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability;

(24) "Genetic information" means written or recorded information about genes, gene products, or genetic characteristics derived from an individual or a family member of the individual. "Gene product" is a scientific term that means messenger RNA and translated protein. For purposes of this chapter, "genetic information" shall not include routine physical measurements: Chemical, blood, and urine analysis, unless conducted purposely to diagnose a genetic characteristic; tests for the abuse of drugs; tests for cholesterol; and tests for the presence of HIV. Family histories do not constitute genetic information.

(25) "Genetic test" means a test of human DNA, RNA, mitochondrial DNA, chromosomes, or other material for the purpose of identifying genes, inherited or acquired genetic abnormalities, or the presence or absence of inherited or acquired characteristics in the genetic material. For the purposes of this section, "genetic test" does not include tests given for cholesterol or HIV. Employers may test for the presence of drugs or alcohol, but may not use the results of these tests to gain genetic information.

Sec. 6. RCW 49.60.180 and 1997 c 271 s 10 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, race, creed, color, national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved.

(2) To discharge or bar any person from employment because of age, sex, marital status, race, creed, color, national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, race, creed, color, national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, race, creed, color, national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification (~~PROVIDED, Nothing contained herein shall~~). This subsection does not prohibit advertising in a foreign language.

(5) To offer a person an inducement to disclose genetic information; to question a person about his or her genetic information; to solicit submission to, require, or administer a genetic test to any person as a condition of employment; or to collect, solicit, or require disclosure of genetic information from any person as a condition of employment.

Sec. 7. RCW 49.60.190 and 1997 c 271 s 11 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, race, creed, color, national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(2) To expel from membership any person because of age, sex, marital status, race, creed, color, national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any member, employer, employee, or other person to whom a duty of representation is owed because of age, sex, marital status, race, creed, color, national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(4) To offer a person an inducement to disclose genetic information; to question a person about his or her genetic information; to solicit submission to, require, or administer a genetic test to any person as a condition of membership; or to collect, solicit, or require disclosure of genetic information from any person as a condition of membership.

Sec. 8. RCW 49.60.200 and 1997 c 271 s 12 are each amended to read as follows:

It is an unfair practice for any employment agency:

(1) To fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, race, creed, color, national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, creed, color, or national origin, genetic information, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification(~~or~~ ~~PROVIDED, Nothing contained herein shall~~)). This subsection does not prohibit advertising in a foreign language.

(2) To offer a person an inducement to disclose genetic information; to question a person about his or her genetic information; to solicit submission to, require, or administer a genetic test to any person as a condition of employment classification, assignment, or referral; or to collect, solicit, or require disclosure of genetic information from any person as a condition of employment classification, assignment, or referral."

Correct the title.

Representative Schual-Berke spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Schual-Berke, Benson, Santos and Benson (again) spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2772.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2772 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller,

Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Skinner and Wallace - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2772, having received the necessary constitutional majority, was declared passed.

SECOND READING SUSPENSION

HOUSE BILL NO. 2661, By Representatives G. Simpson, Newhouse, Anderson, Chase and Miloscia

Creating a web site for information on fugitives.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SECOND SUBSTITUTE HOUSE BILL NO. 2661 was read the second time.

The bill was placed on final passage.

Representatives G. Simpson and Newhouse spoke in favor of passage of the bill.

MOTION

On motion of Representative Holmquist, Representative Shabro was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2661.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2661 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 2661, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2905, By Representatives Hatfield and Jarrett

Modifying provisions for type 1 limited areas of more intensive rural development.

The bill was read the second time. There being no objection, Substitute House Bill No. 2905 was substituted for House Bill No. 2905 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2905 was read the second time.

Representative Romero moved the adoption of amendment (989):

On page 4, beginning on line 6, after "area" strike all material through "not" on line 7, and insert "shall be subject to the requirements of (d)(iv) of this subsection, but shall not be"

On page 4, beginning on line 14, after "(C)" strike all material through "section" on line 18, and insert "Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5)"

Representatives Romero and Schindler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hatfield and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2905.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2905 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3080, By Representatives Linville and Rockefeller

Focusing the state budgeting process on outcomes and priorities.

The bill was read the second time. There being no objection, Substitute House Bill No. 3080 was substituted for House Bill No. 3080 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3080 was read the second time.

Representative Linville moved the adoption of amendment (976):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.88 RCW to read as follows:

The legislature finds that agency missions, goals, and objectives should focus on statewide results. It is the intent of the legislature to focus the biennial budget on how state agencies produce real results that reflect the goals of statutory programs. Specifically, budget managers and the legislature must have the data to move toward better statewide results that produce the intended public benefit. This data must be supplied in an impartial, quantifiable form, and demonstrate progress toward statewide results. With a renewed focus on achieving true results, state agencies, the office of financial management, and the legislature will be able to prioritize state resources.

Sec. 2. RCW 43.88.090 and 1997 c 372 s 1 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The governor shall communicate statewide priorities to agencies for use in developing biennial budget recommendations for their agency and shall seek public involvement and input on these priorities. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110. The estimates must reflect that the agency considered any alternatives to reduce costs or improve service delivery identified in the findings of a performance audit of the agency by the joint legislative audit and review committee. Nothing in this subsection requires performance audit findings to be published as part of the budget.

(2) Each state agency shall define its mission and establish measurable goals for achieving desirable results for those who receive its services and the taxpayers who pay for those services. Each agency shall also develop clear strategies and timelines to achieve its goals. This section does not require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. The mission and goals of each agency must conform to statutory direction and limitations.

(3) For the purpose of assessing program performance, each state agency shall establish program, quality, and productivity objectives for each major program in its budget. The objectives must be consistent with the missions and goals developed under this section. The objectives must be expressed to the extent practicable in outcome-based, objective, and measurable form unless an exception to adopt a different standard is granted by the office of financial management and approved by the legislative committee on performance review. Objectives must specifically address the statutory purpose of the program and shall focus on data that measure whether the agency is achieving or making progress toward the purpose of the program and toward statewide priorities. The office of financial management shall provide necessary professional and technical assistance to assist state agencies in the development of strategic plans that include the mission of the agency and its programs, measurable goals, strategies, and performance measurement systems.

(4) Each state agency shall adopt procedures for and perform continuous self-assessment of each program and activity, using the mission, goals, objectives, and measurements required under subsections (2) and (3) of this section. Agencies' progress toward the mission, goals, objectives, and measurements required by subsections (2) and (3) of this section is subject to review as set forth in this subsection.

(a) The office of financial management shall regularly conduct reviews of selected programs to analyze whether the objectives and measurements submitted by agencies demonstrate progress toward statewide results.

(b) The office of financial management shall consult with the higher education coordinating board, and the state board for community and technical colleges in those reviews that involve institutions of higher education.

(c) The goal is for all programs to receive at least one review each biennium.

(5) It is the policy of the legislature that each agency's budget (~~proposals~~) recommendations must be directly linked to the agency's stated mission and program, quality, and productivity goals and objectives. Consistent with this policy, agency budget proposals must include integration of performance measures that allow objective determination of a program's success in achieving its goals. When a review under subsection (4) of this section or other analysis determines that the agency's objectives demonstrate that the agency is making insufficient progress toward the goals of any particular program or is otherwise underachieving or inefficient, the agency's budget request shall contain proposals to remedy or improve the selected programs. The office of financial management shall develop a plan to merge the budget development process with agency performance assessment procedures. The plan must include a schedule to integrate agency strategic plans and performance

measures into agency budget requests and the governor's budget proposal over three fiscal biennia. The plan must identify those agencies that will implement the revised budget process in the 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium. In consultation with the legislative fiscal committees, the office of financial management shall recommend statutory and procedural modifications to the state's budget, accounting, and reporting systems to facilitate the performance assessment procedures and the merger of those procedures with the state budget process. The plan and recommended statutory and procedural modifications must be submitted to the legislative fiscal committees by September 30, 1996.

(6) In reviewing agency budget requests in order to prepare the governor's biennial budget request, the office of financial management shall consider the extent to which the agency's programs demonstrate progress toward the statewide priorities, identified by the governor and the legislature, along with any specific review conducted under subsection (4) of this section.

(7) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

Sec. 3. RCW 43.88.030 and 2002 c 371 s 911 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe accountability indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency. However, documents submitted for the 2003-05 biennial budget request need not show expenditures by activity;

(f) ~~((A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained))~~ The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify programs that are not addressing the statewide priorities.

(5) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;
(m) Estimated construction start and completion dates;
(n) Source and type of funds proposed;
(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (~~((3))~~) (5), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

~~((4))~~ (6) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Linville and Sehlin spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Linville and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3080.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3080 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3080, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2501, By Representatives Hunter, Cairnes and McIntire; by request of Department of Revenue

Correcting errors in and omissions from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement.

The bill was read the second time.

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

Representatives Hunter and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2501.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2501 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

HOUSE BILL NO. 2501, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2518, By Representatives Kirby, Conway, Morris, Holmquist and Hinkle

Exempting from the state public utility tax the sales of electricity to an electrolytic processing business.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2518 was substituted for House Bill No. 2518 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2518 was read the second time.

Representative McIntire moved adoption of amendment (996):

On page 2, line 24, after "(3)" strike all material through "(4)" on line 35

Renumber remaining subsections consecutively and correct internal references accordingly

Representative McIntire spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative McIntire moved adoption of amendment (997):

On page 3, line 7, after "31," strike all material through "2007" on line 8 and insert "2007.
(b) This section expires June 30, 2008"

On page 4, line 19, after "through" strike "2006" and insert "2007"

On page 5, line 10, after "(5) By December 1," strike "2005, and by December 1, 2006" and insert "2006, and by December 1, 2007"

Representative McIntire spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Kirby and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2518.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2518 and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Blake, Jarrett, Moeller, Nixon and Tom - 5.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2675, By Representatives McMorris, Morris, Bush and Crouse

Modifying electric utility tax credit provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2675 was substituted for House Bill No. 2675 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2675 was read the second time.

Representative Mastin moved the adoption of amendment (977):

On page 2, line 35, after "reside" insert "or work"

Representative Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives McMorris and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2675.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2675 and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Jarrett and Moeller - 2.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2693, By Representatives Hinkle, McIntire, Cairnes, Fromhold and Holmquist

Modifying the taxation of timber on publicly owned land.

The bill was read the second time. There being no objection, Substitute House Bill No. 2693 was substituted for House Bill No. 2693 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2693 was read the second time.

Representative Hinkle moved the adoption of amendment (801):

On page 11, line 11, strike "90" and insert "70"

On page 11, line 12, strike "80" and insert "62.5"

On page 11, line 13, strike "70" and insert "55"

On page 11, line 14, strike "60" and insert "47.5"

On page 11, line 15, strike "50" and insert "40"

On page 11, line 16, strike "40" and insert "32.5"

On page 11, line 17, strike "30" and insert "22.5"

On page 11, line 18, strike "20" and insert "15"

On page 11, line 19, strike "10" and insert "7.5"

Representatives Hinkle and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Hinkle and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2693.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2693 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2987, By Representatives Roach, G. Simpson, Dunshee, Murray, Anderson, Hatfield, Cairnes, Delvin, Buck and Woods

Offering motorcycle or motor-driven cycle insurance.

The bill was read the second time.

Representative Roach moved the adoption of amendment (930):

On page 1, line 14, after "(2)" strike "Except under subsection (9) of this section, no" and insert "No"

On page 3, line 23, after "coverage" strike all material through "writing" on line 24

Representatives Roach and G. Simpson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Roach and G. Simpson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2987.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2987 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

ENGROSSED HOUSE BILL NO. 2987, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2781, By Representatives Upthegrove, Schindler, Jarrett, Clibborn and Schual-Berke

Changing provisions relating to state agency review of development regulations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2781 was substituted for House Bill No. 2781 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2781 was read the second time.

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

Representatives Upthegrove and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2781.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2781 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Mielke, Shabro, Skinner and Wallace - 5.

SUBSTITUTE HOUSE BILL NO. 2781, having received the necessary constitutional majority, was declared passed.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2777 and HOUSE BILL NO. 3047, and the bills were placed on the second reading calendar.

There being no objection, the Committee on State Government was relieved of SENATE BILL NO. 6163, and the bill was referred to the Committee on Education.

There being no objection, the Committee on Children & Family Services was relieved of SENATE BILL NO. 6213, and the bill was referred to the Committee on Judiciary.

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

There being no objection, the House adjourned until 10:00 a.m., February 17, 2004, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE

THIRTY SIXTH DAY, FEBRUARY 16, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 17, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Gokcen and Rachael Blake. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor John Stroeh, the Lutheran Church of the Good Shepherd, Olympia.

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

MESSAGES FROM THE SENATE

February 16, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5585,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5874,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6415,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6598,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6675,
ENGROSSED SENATE JOINT MEMORIAL NO. 8047,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 16, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6166,
SUBSTITUTE SENATE BILL NO. 6178,
SUBSTITUTE SENATE BILL NO. 6211,
SENATE BILL NO. 6247,
SUBSTITUTE SENATE BILL NO. 6285,
SENATE BILL NO. 6337,
SENATE BILL NO. 6339,
SUBSTITUTE SENATE BILL NO. 6560,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

SECOND READING SUSPENSION

HOUSE BILL NO. 2431, By Representatives Upthegrove, Cooper and Chase

Establishing a Dungeness crab endorsement.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2431 was read the second time.

The bill was placed on final passage.

Representatives Cooper and Pearson spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Santos, Representatives Conway, Edwards, Eickmeyer, Flannigan, Hudgins, Hunter, Kagi, Kirby, Morris, Murray, Pettigrew, Quall, Schual-Berke, Sullivan, Upthegrove and Wallace were excused. On motion of Representative Clements, Representatives Bush, Campbell, DeBolt, Ericksen, Mastin and Rodne were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2431.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2431 and the bill passed the House by the following vote: Yeas - 76, Nays - 0, Absent - 0, Excused - 22.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Jarrett, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Veloria, Wood, Woods and Mr. Speaker - 76.

Excused: Representatives Bush, Campbell, Conway, DeBolt, Edwards, Eickmeyer, Ericksen, Flannigan, Hudgins, Hunter, Kagi, Kirby, Mastin, Morris, Murray, Pettigrew, Quall, Rodne, Schual-Berke, Sullivan, Upthegrove and Wallace - 22.

SUBSTITUTE HOUSE BILL NO. 2431, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2512, By Representatives Hunter and McIntire; by request of Department of Social and Health Services and Department of Revenue

Transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2512.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2512 and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Veloria, Wood, Woods and Mr. Speaker - 84.

Excused: Representatives Bush, Campbell, Edwards, Eickmeyer, Ericksen, Flannigan, Hunter, Kagi, Mastin, Rodne, Schual-Berke, Sullivan, Upthegrove and Wallace - 14.

HOUSE BILL NO. 2512, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3133, By Representatives Fromhold, Orcutt, Kessler, Hatfield, Grant and Newhouse

Modifying promoters requirements for vendor tax registration.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3133.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3133 and the bill passed the House by the following vote: Yeas - 84, Nays - 0, Absent - 0, Excused - 14.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Veloria, Wood, Woods and Mr. Speaker - 84.

Excused: Representatives Bush, Campbell, Edwards, Eickmeyer, Ericksen, Flannigan, Hunter, Kagi, Mastin, Rodne, Schual-Berke, Sullivan, Upthegrove and Wallace - 14.

HOUSE BILL NO. 3133, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 16, 2004

Mr. Speaker:

The Senate has passed the following bills:

SECOND SUBSTITUTE SENATE BILL NO. 6082,
SUBSTITUTE SENATE BILL NO. 6377,
SENATE BILL NO. 6403,
SENATE BILL NO. 6485,
SUBSTITUTE SENATE BILL NO. 6584,
SENATE BILL NO. 6614,
SUBSTITUTE SENATE BILL NO. 6649,
SENATE BILL NO. 6686,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SECOND READING

HOUSE BILL NO. 2777, By Representatives McDermott, Haigh and Schual-Berke

Providing for a study of after-school programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2777 was substituted for House Bill No. 2777 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2777 was read the second time.

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

Representatives McDermott, Talcott, Shabro, Hinkle, O'Brien, McDonald, Armstrong, Holmquist, Ahern, Schoesler, Ericksen, Alexander and Roach spoke in favor of passage of the bill.

Representatives Benson, Boldt and Nixon spoke against the passage of the bill.

Representative Hankins demanded the previous question and the demand was sustained.

MOTION

On motion of Representative Clements, Representative Skinner was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2777.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2777 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2777, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2460, By Representatives Cody, Campbell, Kessler, Morrell, Haigh, Kenney, Santos, Hatfield, Blake, Linville, Upthegrove, G. Simpson, Moeller and Lantz

Providing access to health insurance for small employers and their employees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2460 was substituted for House Bill No. 2460 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2460 was read the second time.

Representative Cody moved the adoption of amendment (999):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.21.045 and 1995 c 265 s 14 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer ~~((shall))~~ may offer and actively market to the small employer a health benefit plan ~~((providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan))~~ featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more ~~((or less))~~ comprehensive benefits than ~~((the basic health plan, provided such plans are in accordance with this chapter))~~ those included in the product offered under this subsection. An insurer offering a health benefit plan ~~((that does not include benefits in the basic health plan))~~ under this subsection shall clearly disclose ~~((these differences))~~ all covered benefits to the small employer in a brochure ~~((approved by))~~ filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW ~~((48.21.130,))~~ 48.21.140, ~~((48.21.141,))~~ 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, ~~((48.21.225, 48.21.230, 48.21.235,))~~ 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 ~~((if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to))~~ for employers with not more than ~~((twenty five))~~ fifty employees.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ~~((basic health plan services))~~ health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ~~((not to exceed twenty percent)).~~

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage including the development of allowable factors under (a) and (h) of this subsection. The development of these factors or benefit relativities must be based on the carrier's company-wide credible study or a large study developed by an actuarial consultant or other method accepted by the commissioner.

(4) ~~((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," (~~"basic health plan,"~~) "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 2. RCW 48.43.005 and 2001 c 196 s 5 and 2001 c 147 s 1 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the

consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. ~~((The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year.))~~ A self-employed individual or sole proprietor who is covered as a group of one on the day prior to the effective date of this section shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 3. RCW 48.43.018 and 2001 c 196 s 8 are each amended to read as follows:

(1) Except as provided in (a) through ~~((e))~~ (d) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., or is part of a small employer group of less than twenty employees, and meets the federal standards of eligibility for continuation coverage, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

Sec. 4. RCW 48.43.035 and 2000 c 79 s 24 are each amended to read as follows:

For group health benefit plans, the following shall apply:

(1) All health carriers shall accept for enrollment any state resident within the group to whom the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. The carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the insurance commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

(a) A carrier has zero enrollment on a product; ((~~or~~))

(b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; ((~~or~~))

(c) No sooner than January 1, 2005, a carrier discontinues offering a particular type of health benefit plan offered for groups of up to two hundred if: (i) The carrier provides notice to each group of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each group provided coverage of this type the option to enroll, with regard to small employer groups, in any other small employer group plan, or with regard to groups of up to two hundred, in any other applicable group plan, currently being offered by the carrier in the applicable group market; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier

acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage;

(d) A carrier discontinues offering all health coverage in the small group market or for groups of up to two hundred, or both markets, in the state and discontinues coverage under all existing group health benefit plans in the applicable market involved if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all such coverage in the state and its intent to discontinue coverage under all such existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all such existing health benefit plans; and (ii) the carrier provides notice to each covered group of the intent to discontinue the existing health benefit plan at least one hundred eighty days prior to the date of discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any group health coverage in this state in the applicable group market involved for a five-year period beginning on the date of the discontinuation of the last health benefit plan not so renewed. This subsection (4) does not require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants when the carrier does not discontinue coverage of existing enrollees under that health benefit plan; or

(e) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(6) Notwithstanding any other provision of this section, the guarantee of continuity of coverage applies to a group of one only if: (a) The carrier continues to offer any other small employer group plan in which the group of one was eligible to enroll on the day prior to the effective date of this section; and (b) the person continues to qualify as a group of one under the criteria in place on the day prior to the effective date of this section.

Sec. 5. RCW 48.43.038 and 2000 c 79 s 25 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all individual health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium.

(2) The guarantee of continuity of coverage required in individual health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(3) This section does not apply in the following cases:

(a) A carrier has zero enrollment on a product;

(b) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded;

(c) No sooner than the first day of the month following the expiration of a one hundred eighty-day period beginning on March 23, 2000, a carrier discontinues offering a particular type of health benefit plan offered in the individual market, including conversion contracts, if: (i) The carrier provides notice to each covered individual provided coverage of this type of such discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each individual provided coverage of this type the option, without being subject to the standard health questionnaire, to enroll in any other individual health benefit plan currently being offered by the carrier; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage; or

(d) A carrier discontinues offering all individual health coverage in the state and discontinues coverage under all existing individual health benefit plans if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all individual health coverage in the state and its intent to discontinue coverage under all existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all existing health benefit plans; and (ii) the carrier provides notice to each covered individual of the intent to discontinue his or her existing health benefit plan at least one hundred eighty days prior to the date of

such discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any individual health coverage in this state for a five-year period beginning on the date of the discontinuation of the last health plan not so renewed. Nothing in this subsection (3) shall be construed to require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants where the carrier does not discontinue coverage of existing enrollees under that health benefit plan.

(4) The provisions of this section do not apply to health plans deemed by the commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the commissioner.

Sec. 6. RCW 48.44.022 and 2000 c 79 s 30 are each amended to read as follows:

(1) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023.

(3) As used in this section (~~and RCW 48.44.023~~), "health benefit plan," "small employer," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 7. RCW 48.44.023 and 1995 c 265 s 16 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer (~~shall~~) may offer and actively market to the small employer a health benefit plan (~~providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan~~) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more (~~or less~~) comprehensive benefits than (~~the basic health plan, provided such plans are in accordance with this chapter~~) those included in the product offered under this subsection. A contractor offering a health benefit plan (~~that does not include benefits in the basic health plan~~) under this subsection shall clearly disclose (~~these differences~~) all covered benefits to the small employer in a brochure (~~approved by~~) filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, (~~48.44.290, 48.44.300,~~) 48.44.310, 48.44.320, (~~48.44.325, 48.44.330, 48.44.335,~~) 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 (~~if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides~~

benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) ~~the health benefit plan is offered to~~) for employers with not more than ~~(twenty five)~~ fifty employees.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ~~((basic health plan services))~~ health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ~~((not to exceed twenty percent))~~.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage including the development of allowable factors under (a) and (h) of this subsection. The development of these factors or benefit relativities must be based on the carrier's company-wide credible study or a large study developed by an actuarial consultant or other method accepted by the commissioner.

~~(4) ((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any

eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 8. RCW 48.46.064 and 2000 c 79 s 33 are each amended to read as follows:

(1) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066.

(3) As used in this section ((and RCW 48.46.066)), "health benefit plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 9. RCW 48.46.066 and 1995 c 265 s 18 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer ((shall) may offer and actively market to the small employer a health benefit plan ((providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan)) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more ((or less)) comprehensive benefits than ((the basic health plan, provided such plans are in accordance with this chapter)) those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan ((that does not include benefits in the basic health plan)) under this subsection shall clearly disclose ((these differences)) all the covered benefits to the small employer in a brochure ((approved by)) filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW ((48.46.275, 48.46.280, 48.46.285,)) 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 ((if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to)) for employers with not more than ((twenty five)) fifty employees.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to

the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage including the development of allowable factors under (a) and (h) of this subsection. The development of these factors or benefit relativities must be based on the carrier's company-wide credible study or a large study developed by an actuarial consultant or other method accepted by the commissioner.

~~(4) (The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.)~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- a. RCW 48.21.260 (Conversion policy to be offered--Exceptions, conditions) and 1984 c 190 s 3;
- b. RCW 48.21.270 (Conversion policy--Restrictions and requirements) and 1984 c 190 s 4;
- c. RCW 48.44.370 (Conversion contract to be offered--Exceptions, conditions) and 1984 c 190 s 6;
- d. RCW 48.44.380 (Conversion contract--Restrictions and requirements) and 1984 c 190 s 7;
- e. RCW 48.46.450 (Conversion agreement to be offered--Exceptions, conditions) and 1984 c 190 s 9;

and

- f. RCW 48.46.460 (Conversion agreement--Restrictions and requirements) and 1984 c 190 s 10.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act apply to all small group health benefit plans issued or renewed on or after the effective date of this section."

Correct the title.

Representatives Cody and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Cody, Bailey, Kessler, Benson and Campbell spoke in favor of passage of the bill.

Representative Schual-Berke, Anderson and Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2460.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2460 and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Armstrong, Bailey, Benson, Blake, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Cooper, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Sehlin, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Boldt, Buck, Chandler, Clements, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Jarrett, Kirby, Kristiansen, McMahan, McMorris, Mielke, Miloscia, Newhouse, Orcutt, Pearson, Roach, Schindler, Schual-Berke, Shabro, Sump and Woods - 33.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2660, By Representatives G. Simpson, Carrell, McMahan, Lovick, Kenney and Wallace; by request of Office of the Lieutenant Governor

Revising provisions involving alcohol-related offenses.

The bill was read the second time. There being no objection, Substitute House Bill No. 2660 was substituted for House Bill No. 2660 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2660 was read the second time.

With the consent of the House, amendment (940) was withdrawn.

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

Representatives G. Simpson and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2660.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2660 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlín, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2660, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2779, By Representatives Clibborn, Lantz, Pettigrew, Darneille and Rockefeller

Limiting liability for information provided by former or current employers to prospective employers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2779 was substituted for House Bill No. 2779 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2779 was read the second time.

With the consent of the House, amendment (936) was withdrawn.

Representative Clibborn moved the adoption of amendment (1031):

On page 2, line 6, after "of the" insert "substance of any"

On page 2, line 11, after "RCW." insert "Failure to maintain a written record of the disclosure waives the immunity provided under subsection (1) of this section, and civil liability for such disclosure shall be evaluated under common law standards without regard to this act."

On page 2, line 16, after "employer's" insert "lawful"

Representative Clibborn spoke in favor of the adoption of the amendment.

Representatives Carrell and Anderson spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result was 51 - YEAS; 45 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

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

Representative Clibborn spoke in favor of passage of the bill.

Representative Carrell and Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2779.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2779 and the bill passed the House by the following vote: Yeas - 51, Nays - 45, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood, and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Pettigrew, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Sump, Talcott, Tom and Woods - 45.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2779, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1357, By Representatives Quall, Cairnes, Miloscia, Orcutt, Gombosky, Ahern, Grant, Roach, Hatfield, Kessler, O'Brien, Morris, Linville, Haigh, Lovick, Rockefeller, Lantz, Wood, Eickmeyer, G. Simpson, Boldt and Pflug

Modifying the taxation of physical fitness services.

The bill was read the second time. There being no objection, Substitute House Bill No. 1357 was substituted for House Bill No. 1357 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1357 was read the second time.

Representative Dickerson moved the adoption of amendment (1028):

On page 1, strike all material after the enacting clause and insert the following:

"NEW SECTION. Sec. 2. The fiscal committees of the house of representatives and the senate, in consultation with the department of revenue, shall study the taxation of physical fitness services in Washington state. The study shall address the impact of state tax laws on the demand for physical fitness services and shall evaluate differences in demand for services between those offered by for-profit and those offered by nonprofit

businesses. By December 1, 2005, the committees shall submit a report to the legislature and to the governor on the findings."

Correct the title

Representatives Dickerson, Kagi, Moeller, Darneille, Chase and Dickerson (again) spoke in favor of the adoption of the amendment.

Representative Cairnes, Sehlin, Pearson and Clements spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Quall and Cairnes spoke in favor of passage of the bill.

Representatives Sommers and Dunshee spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1357 and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Fromhold, Grant, Hankins, Hatfield, Hinkle, Holmquist, Jarrett, Kessler, Kristiansen, Linville, Lovick, Mastin, McCoy, McDonald, McMahan, McMorris, Mielke, Miloscia, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Schindler, Schoesler, Sehlin, Shabro, Sump, Talcott, Tom, Wallace, Woods and Mr. Speaker - 61.

Voting nay: Representatives Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kirby, Lantz, McDermott, McIntire, Moeller, Morrell, Murray, Ormsby, Pettigrew, Romero, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria and Wood - 35.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 1357, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2308, By Representatives Schoesler and Cox

Requiring the department of ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills.

The bill was read the second time. There being no objection, Substitute House Bill No. 2308 was substituted for House Bill No. 2308 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2308 was read the second time.

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

Representative Schoesler spoke in favor of passage of the bill.

Representative Cooper spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2308.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2308 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Condotta, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 80.

Voting nay: Representatives Chase, Cody, Cooper, Darneille, Dunshee, Flannigan, Hudgins, Hunt, Hunter, McDermott, Morrell, Morris, Murray, Schual-Berke, G. Simpson and Upthegrove - 16.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 2308, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of HOUSE BILL NO. 2968 on second reading.

Representatives McIntire and Cairnes spoke in favor of adoption of amendment (814).

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Linville and Buck spoke in favor of passage of the bill.

COLLOQUY

Representative Linville: "Did the Legislature intend for the Department of Revenue to collect B&O tax on grants used to fund salmon recovery projects?"

Representative Buck: "The Legislature intended to maximize the expenditure of salmon recovery dollars by using volunteer labor to implement habitat projects and to forestall the endangered species listing of Washington. The words, and I quote, 'regional groups shall be operated on strictly non-profit basis and shall to seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all the citizens of Washington State' clearly shows we intended the money to be spent on projects and not taxes."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2968.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2968 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Skinner - 2.

ENGROSSED HOUSE BILL NO. 2968, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 3141, By Representative Morris

Establishing a policy to mitigate carbon dioxide emissions.

The bill was read the second time. There being no objection, Substitute House Bill No. 3141 was substituted for House Bill No. 3141 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3141 was read the second time.

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

Representatives Morris, Crouse, Linville and Wallace spoke in favor of passage of the bill.

Representatives Delvin and McMahan spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3141.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3141 and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Bailey, Benson, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Armstrong, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Delvin, Hankins, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, Sump and Talcott - 27.

Excused: Representatives Edwards and Skinner - 2.

SUBSTITUTE HOUSE BILL NO. 3141, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2955, By Representatives Hunter, Jarrett, Haigh, Cox, Tom, Schual-Berke, Kagi, Quall, Ruderman, Hunt, Santos, Armstrong, Nixon, O'Brien, Rockefeller, Edwards, Linville, Wallace, Conway and Morrell

Creating a joint task force on K-12 finance.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2955 was substituted for House Bill No. 2955 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2955 was read the second time.

With the consent of the House, amendments (1015), (1037) and (1037) were withdrawn.

Representative Haigh moved the adoption of amendment (928):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that more than a quarter of a century has passed since the current school finance system was first created, and that the challenges facing our schools and students have grown and changed dramatically during that time. The legislature intends to examine the school finance system to determine whether it is appropriately linked to the demands of education reform and to the goal of providing all children in the state the opportunity to meet standards.

NEW SECTION. Sec. 2. (1) The joint task force on K-12 finance is created to study the common school finance system and to develop alternative funding models for that finance system. The alternatives shall include one or more models that can be fully funded within the existing total federal, state, and local capital and operating expenditures for public schools and may include alternatives that require new or additional funding.

(2) The task force shall, at a minimum:

(a) Consider the constitutional and legal requirements underlying the current finance system;

(b) Compare Washington's common school funding system with those in other states that are beginning to link finance systems with education reform and expected levels of student achievement;

(c) Design alternative common school finance systems for Washington that reflect principles that include but need not be limited to the following:

(i) The finance system should be aligned with the policy expectations and goals established under education reform;

(ii) Funds should be distributed equitably so that all children have the opportunity to meet the state's academic standards and become prepared for postsecondary education, including career and technical education;

(iii) Staffing should be recognized as a key component of school district costs, including the number of and compensation for certificated instructional staff, certificated administrative staff, and classified staff;

(iv) Stable and predictable basic education funding should be provided by the state to school districts;

(v) Local flexibility and choice in program delivery at the district and school levels should be enhanced; and

(vi) Accountability for taxpayers that focuses on levels of student achievement should be provided;

(d) Design one or more alternative compensation models that attract and retain high performing teachers in all Washington schools and in all academic subject areas and, in addition, may do one or more of the following:

(i) Reward teachers for improving their skills and knowledge in a manner that translates into improved student learning; and

(ii) Recognize regional cost-of-living differences as well as recruitment challenges facing rural schools and schools with large numbers of educationally disadvantaged students; and

(e) Review the role of noncertificated staff and the appropriate types of compensation for these staff.

(3) The task force shall consist of the following members:

(a) Four members from the house of representatives, two from each major caucus, appointed by the speaker of the house of representatives;

(b) Four members from the senate, two from each major caucus appointed by the president of the senate;

(c) The superintendent of public instruction or the superintendent's designee; and

(d) The governor or the governor's designee.

(4) The task force shall create an advisory committee that includes but need not be limited to: Educators, principals, administrators, school directors, parents, educational service districts, organizations

representing employers and employees, the Gates foundation, and the University of Washington center for reinventing education.

(5) The chair shall be appointed by the governor.

(6) The task force shall select the persons or entities to conduct various components of the study and shall approve the expenditure of funds.

(7) Appointments to the task force shall be completed within thirty days of the effective date of this section.

(8) The task force shall receive staff and logistical support from the office of financial management, the office of the superintendent of public instruction, the office of program research of the house of representatives, and senate committee services.

(9) Legislative members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120. Other members of the task force and the members of the advisory committee may be reimbursed for travel expenses by the agencies or organizations that appointed or nominated them.

(10) The task force shall report findings and recommendations to the legislature by October 1, 2006.

NEW SECTION. Sec. 3. This act expires June 30, 2007."

Representatives Haigh, Fromhold and Haigh (again) spoke in favor of the adoption of the amendment.

Representatives Anderson, Cox and Anderson (again) spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (928) to Second Substitute House Bill No. 2955.

ROLL CALL

The Clerk called the roll on the adoption of amendment (928) to Second Substitute House Bill No. 2955, and the amendment was adopted by the following vote: Yeas - 52, Nays - 43, Absent - 0, Excused - 3.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Hunter, Jarrett, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schoesler, Sehlin, Shabro, Sump, Talcott, Tom and Woods - 43.

Excused: Representatives Edwards, Mastin and Skinner - 3.

The bill was ordered engrossed.

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

Representatives Hunter, Quall, Haigh, Armstrong, Nixon, Rockefeller and Jarrett spoke in favor of passage of the bill.

Representatives Anderson and Clements spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2955.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2955 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Absent: Representative Kirby - 1.

Excused: Representatives Edwards, Mastin and Skinner - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2955, having received the necessary constitutional majority, was declared passed.

February 17, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5665,
SUBSTITUTE SENATE BILL NO. 6113,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6136,
SUBSTITUTE SENATE BILL NO. 6208,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6256,
SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6437,
SUBSTITUTE SENATE BILL NO. 6527,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6554,
ENGROSSED SENATE JOINT MEMORIAL NO. 8050,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 17, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5408,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5428,
ENGROSSED SENATE BILL NO. 6158,
ENGROSSED SENATE BILL NO. 6317,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

INTRODUCTION & FIRST READING

HB 3202 by Representatives Linville and Sommers

AN ACT Relating to fees pertaining to water rights; and amending RCW 90.03.470.

Referred to Committee on Appropriations.

HB 3203 by Representatives McDermott and Hunt

AN ACT Relating to a semiclosed primary; amending RCW 29A.04.007, 29A.04.085, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.56.020, 29A.56.020, 29A.56.030, 29A.56.040, 29A.56.050, 29A.56.060, 29A.60.020, 29A.80.040, 29A.80.050, 29A.80.060, and 42.17.020; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new section to chapter 29A.36 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

SSB 5436 by Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Rasmussen, Jacobsen, Winsley, Thibaudeau, McAuliffe, Prentice and Kline)

AN ACT Relating to the sales of competitive foods and beverages sold and served on public school campuses; creating new sections; and declaring an emergency.

Referred to Committee on Education.

SSB 5732 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Rasmussen, Brandland and Winsley)

AN ACT Relating to in-home long-term care services liability; and amending RCW 74.39A.095.

Referred to Committee on Judiciary.

SB 6143 by Senators Kastama, Winsley, Oke, Franklin, Rasmussen and Schmidt

AN ACT Relating to determining eligibility for veteran's regular or special license plates; and amending RCW 73.04.110.

Referred to Committee on Transportation.

SSB 6166 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senator Benton)

AN ACT Relating to funding group life insurance; and amending RCW 48.24.020 and 48.24.030.

Referred to Committee on Financial Institutions & Insurance.

SSB 6178 by Senate Committee on Highways & Transportation (originally sponsored by Senators Shin, Rasmussen, Franklin, Jacobsen, Keiser, Benton, Regala, Honeyford, Mulliken, Fairley, Swecker, Finkbeiner, McCaslin, Doumit, Stevens, Morton, Hargrove, Hewitt,

Deccio, Fraser, Esser, Kastama, Prentice, B. Sheldon, Thibaudeau, T. Sheldon, Sheahan, Spanel, Roach, Oke, Berkey and Schmidt)

AN ACT Relating to traffic control signal preemption devices; amending RCW 46.37.190 and 46.63.020; reenacting and amending RCW 9.94A.515; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SSB 6196 by Senate Committee on Land Use & Planning (originally sponsored by Senators Benton, T. Sheldon and Mulliken)

AN ACT Relating to restoring the American dream by allowing single-family residential development outside urban growth areas in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

SSB 6211 by Senate Committee on Education (originally sponsored by Senators Carlson, Kohl-Welles, Esser, Swecker, Schmidt, Finkbeiner, Brandland, Pflug, Roach, Rasmussen and Murray)

AN ACT Relating to school district levy base calculations; and amending RCW 84.52.0531 and 28A.500.020.

Referred to Committee on Education.

SSB 6225 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Keiser, Parlette, Winsley and Rasmussen)

AN ACT Relating to boarding homes; amending RCW 18.20.020, 18.20.160, 18.20.290, 74.39A.009, 74.39A.020, and 70.129.110; adding new sections to chapter 18.20 RCW; adding a new section to chapter 42.17 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

SB 6247 by Senators Winsley, Fraser, Regala, Carlson, Keiser and McAuliffe; by request of Select Committee on Pension Policy

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Appropriations.

SSB 6285 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Doumit, Roach, Swecker, Stevens, Morton, Winsley, T. Sheldon, Sheahan, Jacobsen, Rasmussen, Haugen, Hargrove, Berkey, Hale, Honeyford, Mulliken and Parlette)

AN ACT Relating to trapping; amending RCW 77.08.010, 77.15.194, 77.15.194, 77.65.450, 77.65.460, 77.32.545, 77.15.198, 77.15.198, 77.36.030, and 77.15.190; adding new sections to chapter 77.15 RCW; creating a new section; repealing RCW 77.15.192; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

SB 6326 by Senators Esser, McCaslin, Oke, Roach, Eide, Kline and Rasmussen

AN ACT Relating to unlawful bus conduct; and amending RCW 9.91.025 and 46.04.355.

Referred to Committee on Transportation.

SSB 6329 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senator Oke)

AN ACT Relating to extending the date for ballast water discharge implementation; amending RCW 77.120.030; amending 2002 c 282 s 1 (uncodified); and providing an expiration date.

Referred to Committee on Fisheries, Ecology & Parks.

SSB 6331 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Brandland, Parlette and Mulliken)

AN ACT Relating to mandated reporters in boarding homes and nursing homes; amending RCW 74.34.020, 74.34.035, and 9A.42.010; and declaring an emergency.

Referred to Committee on Health Care.

SB 6337 by Senators Regala, Parlette, Winsley, Stevens, Hargrove, Oke and Kohl-Welles; by request of Washington Council for Prevention of Child Abuse and Neglect

AN ACT Relating to the fee for birth certificates suitable for display; and amending RCW 70.58.085.

Referred to Committee on Appropriations.

SB 6338 by Senators Johnson and Kline

AN ACT Relating to stolen merchandise pallets; and amending RCW 9A.56.020 and 9A.56.140.

Referred to Committee on Criminal Justice & Corrections.

SB 6339 by Senators Swecker and Rasmussen

AN ACT Relating to seed-related business practices; and amending RCW 20.01.010, 20.01.210, and 20.01.465.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6352 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Esser, Schmidt, Poulsen, Berkey, McAuliffe and Kohl-Welles)

AN ACT Relating to selection of telephone calling systems for offenders in state correctional facilities; amending RCW 9.73.095; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

SB 6372 by Senators Oke, Doumit, Sheahan, B. Sheldon, McAuliffe, Regala, Spanel, Haugen, Roach, Fraser and Shin

AN ACT Relating to the Washington state parks centennial; adding a new chapter to Title 79A RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Fisheries, Ecology & Parks.

SSB 6389 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Haugen, Esser, Rasmussen, Kline, Murray and Kohl-Welles)

AN ACT Relating to weapons in commercial service airports; and amending RCW 9.41.300.

Referred to Committee on Judiciary.

SB 6465 by Senators Swecker and Rasmussen

AN ACT Relating to extending the expiration date of the dairy inspection program assessment; amending RCW 15.36.551; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SB 6493 by Senators Horn, Kastama, Roach, Haugen and Esser

AN ACT Relating to costs of elections; amending RCW 29A.04.410; and providing an effective date.

Referred to Committee on State Government.

SB 6518 by Senator McCaslin

AN ACT Relating to the general election ballot for the office of judge of the district court; amending RCW 29A.36.170; and providing an effective date.

Referred to Committee on State Government.

SSB 6534 by Senate Committee on Land Use & Planning (originally sponsored by Senators Hargrove and Mulliken)

AN ACT Relating to the siting and designating processes of industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Local Government.

ESSB 6559 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens and Hargrove)

AN ACT Relating to provision of cash grants, case staffing, and work requirements to families eligible for temporary assistance for needy families; amending RCW 74.08A.260; and creating a new section.

Referred to Committee on Children & Family Services.

SSB 6560 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Fraser, Swecker, Kline, Kohl-Welles, Jacobsen, Thibaudeau, Fairley and Winsley)

AN ACT Relating to animal cruelty; amending RCW 16.52.205; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6561 by Senators Carlson, McAuliffe and Kohl-Welles

AN ACT Relating to strengthening linkages between K-12 and higher education systems; creating a new section; and providing an expiration date.

Referred to Committee on Education.

SSB 6587 by Senate Committee on Land Use & Planning (originally sponsored by Senators Stevens and McCaslin)

AN ACT Relating to imposing fees to mitigate adverse environmental impacts; and adding new sections to chapter 43.21C RCW.

Referred to Committee on Local Government.

SSB 6592 by Senate Committee on Land Use & Planning (originally sponsored by Senators Morton, Hargrove, Mulliken, Rasmussen, Swecker, Horn, Haugen, T. Sheldon, McCaslin, Sheahan and Parlette)

AN ACT Relating to distinguishing growth management update responsibilities between slower and faster growing cities and counties; and amending RCW 36.70A.130.

Referred to Committee on Local Government.

SSB 6600 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, T. Sheldon, Hale, Stevens and Murray)

AN ACT Relating to construction liability; and amending RCW 4.16.300.

Referred to Committee on Judiciary.

SB 6663 by Senators Hewitt, Rasmussen, Honeyford, Prentice, Kastama, Doumit and Sheahan

AN ACT Relating to promoters duties with respect to vendor tax registration; and amending RCW 82.32.033.

Referred to Committee on Finance.

SB 6679 by Senators Oke, B. Sheldon, T. Sheldon, Hargrove, Jacobsen and Shin

AN ACT Relating to use of bond proceeds in public-private initiative projects; and amending RCW 47.46.130.

Referred to Committee on Transportation.

SB 6700 by Senators Jacobsen, Horn, Haugen and Shin

AN ACT Relating to technical corrections to the requirements of regional transportation investment district ballot measures; and amending RCW 36.120.070.

Referred to Committee on Transportation.

ESB 6737 by Senators Hewitt and Honeyford

AN ACT Relating to distribution of liquor; and amending RCW 66.08.010, 66.08.050, and 66.28.180.

Referred to Committee on Commerce & Labor.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 18, 2004, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

THIRTY SEVENTH DAY, FEBRUARY 17, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 18, 2004

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

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

MESSAGES FROM THE SENATE

February 17, 2004

Mr. Speaker:

The Senate has passed:

THIRD SUBSTITUTE SENATE BILL NO. 5412,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,
SUBSTITUTE SENATE BILL NO. 6173,
ENGROSSED SENATE BILL NO. 6188,
SENATE BILL NO. 6195,
SUBSTITUTE SENATE BILL NO. 6200,
SENATE BILL NO. 6249,
SUBSTITUTE SENATE BILL NO. 6253,
SENATE BILL NO. 6254,
SENATE BILL NO. 6439,
SENATE BILL NO. 6476,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489,
SENATE BILL NO. 6545,
SUBSTITUTE SENATE BILL NO. 6581,
SECOND SUBSTITUTE SENATE BILL NO. 6599,
SUBSTITUTE SENATE BILL NO. 6601,
SENATE BILL NO. 6702,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6731,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

February 17, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5053,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6401,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6420,
SUBSTITUTE SENATE BILL NO. 6568,
SENATE BILL NO. 6612,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546

INTRODUCTION & FIRST READING

E2SSB 5216 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens and Hargrove)

AN ACT Relating to forensic competency and sanity examinations; and amending RCW 10.77.060.

Referred to Committee on Criminal Justice & Corrections.

SSB 5408 by Senate Committee on Commerce & Trade (originally sponsored by Senators Swecker and Fraser)

AN ACT Relating to continuing education for land surveyors; and amending RCW 18.43.080.

Referred to Committee on Commerce & Labor.

ESSB 5428 by Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner, Haugen, Horn and Shin; by request of Department of Licensing)

AN ACT Relating to renewal of driver's licenses and identicards by alternative means; amending RCW 46.20.035, 46.20.117, 46.20.120, 46.20.155, 46.25.080, and 46.01.235; reenacting and amending RCW 46.20.055 and 46.20.070; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

E2SSB 5585 by Senate Committee on Highways & Transportation (originally sponsored by Senators Swecker, Jacobsen, Oke, Spanel, Prentice, Haugen, Rasmussen, Parlette, Mulliken, Zarelli, Hale, Finkbeiner, Deccio and Horn)

AN ACT Relating to transportation benefit districts; amending RCW 36.73.020, 36.73.040, 36.73.050, 36.73.060, 36.73.070, 36.73.080, 36.73.100, 36.73.110, 36.73.120, 36.73.130, 36.73.140, 36.73.150, 82.14.060, 35.21.225, 47.56.075, and 82.80.030; reenacting and amending RCW 82.14.050; adding new sections to chapter 36.73 RCW; adding a new section to chapter 82.14 RCW; adding new sections to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESSB 5665 by Senate Committee on Agriculture (originally sponsored by Senators Rasmussen and Swecker)

AN ACT Relating to administration of irrigation districts; and amending RCW 87.03.138, 87.03.277, 87.03.443, 87.06.030, 87.06.060, 87.06.110, 60.80.005, 60.80.010, and 60.80.020.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5874 by Senate Committee on Highways & Transportation (originally sponsored by Senators Jacobsen, Kline and Kohl-Welles)

AN ACT Relating to tolling authority of regional transportation investment districts; amending RCW 36.120.020, 36.120.050, and 47.56.076; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Transportation.

2SSB 6082 by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Doumit and Rasmussen)

AN ACT Relating to expanding the criteria for habitat conservation programs; amending RCW 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, and 79A.15.070; and providing an effective date.

Referred to Committee on Capital Budget.

SSB 6113 by Senate Committee on Economic Development (originally sponsored by Senators T. Sheldon, Swecker, Haugen, Zarelli, Rasmussen and Benton)

AN ACT Relating to the use of rural county sales and use tax proceeds; amending RCW 82.14.370; and creating a new section.

Referred to Committee on Trade & Economic Development.

ESSB 6136 by Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Roach)

AN ACT Relating to authorization of electronic tracking devices for law enforcement purposes; amending RCW 10.79.015 and 10.79.020; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

ESB 6158 by Senators Prentice, Benton and Winsley

AN ACT Relating to the Washington insurance guarantee association act; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SSB 6208 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama and McCaslin)

AN ACT Relating to temporary water-sewer connections; and amending RCW 57.08.005.

Referred to Committee on Local Government.

ESSB 6256 by Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Brandland, Kline, McCaslin, Roach, Winsley and Oke)

AN ACT Relating to the collection of criminal palmprint records; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Criminal Justice & Corrections.

SSB 6264 by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Rasmussen and Murray)

AN ACT Relating to general permits; amending RCW 77.55.100 and 90.58.030; adding a new section to chapter 77.55 RCW; adding a new section to chapter 77.15 RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Local Government.

SSB 6265 by Senate Committee on Land Use & Planning (originally sponsored by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Sheahan, Hale, Rasmussen and Murray)

AN ACT Relating to permit timelines; amending RCW 77.55.100; and adding a new section to chapter 43.42 RCW.

Referred to Committee on State Government.

ESB 6317 by Senators Honeyford, T. Sheldon, Hewitt, Mulliken and Rasmussen

AN ACT Relating to authorizing self-insurers to make claim decisions and actively participate in workers' compensation claims; amending RCW 51.04.020, 51.04.030, 51.04.040, 51.04.085, 51.08.040, 51.08.173, 51.14.110, 51.14.120, 51.14.130, 51.16.120, 51.24.030, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.010, 51.28.020, 51.28.030, 51.28.040, 51.28.055, 51.28.060, 51.28.070, 51.32.010, 51.32.040, 51.32.055, 51.32.060, 51.32.080, 51.32.095, 51.32.110, 51.32.160, 51.32.195, 51.32.210, 51.32.220, 51.32.225, 51.32.230, 51.32.240, 51.32.250, 51.36.010, 51.36.015, 51.36.020, 51.36.060, 51.36.070, 51.48.017, 51.48.040, 51.48.040, 51.48.080, 51.52.050, 51.52.070, and 51.52.080; reenacting and amending RCW 51.52.060; adding new sections to chapter 51.14 RCW; creating a new section; repealing RCW 51.32.190; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 6357 by Senators Johnson, Keiser, Esser, Eide, Prentice, McCaslin, Rasmussen, Winsley and Oke

AN ACT Relating to enhancements to criminal trespass law; and amending RCW 9A.52.010.

Referred to Committee on Judiciary.

E2SSB 6358 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Stevens)

AN ACT Relating to improved collaboration regarding offenders with treatment orders; amending RCW 71.05.040, 71.05.445, 72.09.585, 71.34.225, and 70.02.030; reenacting and amending RCW 71.05.390; adding a new section to chapter 10.77 RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 72.09 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SSB 6377 by Senate Committee on Commerce & Trade (originally sponsored by Senator Honeyford)

AN ACT Relating to renewal of transient accommodation licenses; and amending RCW 70.62.260.

Referred to Committee on Commerce & Labor.

SB 6403 by Senators Hewitt, Fairley, Spanel and Rasmussen

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

Referred to Committee on Capital Budget.

ESSB 6415 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Doumit, Hewitt, Hargrove, Honeyford, T. Sheldon, Hale, Murray and Stevens)

AN ACT Relating to conditioning industrial and construction storm water general discharge permits; adding new sections to chapter 90.48 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 6437 by Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker, Mulliken, Murray, Esser, Schmidt and Shin)

AN ACT Relating to highways of statewide significance; and amending RCW 47.05.022.

Referred to Committee on Transportation.

SB 6485 by Senators Deccio and Winsley

AN ACT Relating to improving the regulatory environment for hospitals; amending RCW 70.41.080 and 70.41.120; adding new sections to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health Care.

SSB 6527 by Senate Committee on Judiciary (originally sponsored by Senators Johnson, Berkey, Esser and Sheahan)

AN ACT Relating to attorney fees; and amending RCW 4.84.080 and 12.20.060.

Referred to Committee on Judiciary.

ESSB 6554 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Parlette, Keiser, Winsley and Thibaudeau; by request of Department of Health)

AN ACT Relating to eliminating credentialing barriers for health professions; amending RCW 18.06.050, 18.29.190, 18.29.180, 18.34.070, 18.79.160, 18.83.050, 18.83.070, 18.83.072, 18.83.082, 18.83.170, 18.89.050, and 18.89.110; adding a new section to chapter 18.79 RCW; and creating a new section.

Referred to Committee on Health Care.

SSB 6584 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, McAuliffe, Honeyford and Eide)

AN ACT Relating to liquor licensees holding a caterer's endorsement; amending RCW 66.28.010 and 66.24.420; and reenacting and amending RCW 66.24.320.

Referred to Committee on Commerce & Labor.

ESB 6598 by Senators Esser, Schmidt, Mulliken, Rasmussen, Parlette and Stevens

AN ACT Relating to accounting for the provision of wholesale telecommunications services by public utility districts; and amending RCW 54.16.330.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6614 by Senators Poulsen, Murray, Hewitt, Sheahan and Brown

AN ACT Relating to damages for unauthorized impounds; and amending RCW 46.55.120.

Referred to Committee on Transportation.

SSB 6615 by Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Mulliken, Rasmussen and Prentice)

AN ACT Relating to employment of workers with developmental disabilities; and amending RCW 51.16.120.

Referred to Committee on Commerce & Labor.

SSB 6649 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Keiser, Berkey and Winsley; by request of Department of Labor & Industries)

AN ACT Relating to retaining fees for mobile/manufactured homes and factory built housing and commercial structures; amending RCW 43.22.434; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

ESSB 6675 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Horn, Jacobsen, Benton and Rasmussen)

AN ACT Relating to gift certificates; amending RCW 63.29.010, 63.29.020, 63.29.140, and 63.29.170; adding a new chapter to Title 19 RCW; creating a new section; and providing effective dates.

Referred to Committee on Finance.

SB 6686 by Senators Murray, Brandland, McCaslin, Hargrove, Oke, Roach, Benton and Rasmussen

AN ACT Relating to identity theft; amending RCW 9A.82.090, 9A.82.100, and 9A.82.120; reenacting and amending RCW 9.94A.515; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

ESJM 8047 by Senators Sheahan, Hewitt, Honeyford, Swecker, Hale, Murray and T. Sheldon

Requesting the implementation of the plan to maintain the navigation channel and loading docks on the lower Snake River.

Referred to Committee on Transportation.

ESJM 8050 by Senators Sheahan and Rasmussen

Informing Congress of Washington's expertise in animal disease.

Referred to Committee on Agriculture & Natural Resources.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 19, 2004, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

THIRTY EIGHTH DAY, FEBRUARY 18, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 19, 2004

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2004-4698, By Representatives Kessler and Tom

WHEREAS, The Arts enhance the lives of the people of the State of Washington; and

WHEREAS, The literary, performing, and visual Arts are vibrant threads weaving through the tapestry of life in the State of Washington; and

WHEREAS, The Arts stimulate creative thinking, inspire creativity and innovation, encourage self-expression, knit our communities and our state together with a common understanding of our humanity, foster communication and understanding across cultures, and transmit core national and local values to future generations; and

WHEREAS, The Arts enable lifelong learning, are essential to a basic education, assist with teaching other subjects, and foster logical analysis, self-discipline, cooperation, and teamwork; and

WHEREAS, The Arts contribute to full brain development, accelerate students' mastery of history, math, and science, enhance problem-solving skills, and increase the self-esteem of youth at risk; and

WHEREAS, The Arts contribute to the economic development of our state's communities by generating millions of dollars in revenue each year through performances, projects, exhibitions, festivals, Art walks, craft fairs, and concerts; and

WHEREAS, The Arts of Washington State have received international acclaim for the quality of our Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions, drawing audiences from across the nation and the world to the Northwest, and making cultural tourism a vital part of our economy; and

WHEREAS, The Arts industry informs and educates the public and its leadership about cultural opportunities, and encourages artistic and economic growth; and

WHEREAS, The Arts industry provides assistance in long-range community and educational planning in an effort to secure a place for the Arts as a vital component of Washington State's environment; and

WHEREAS, The Arts industry provides forums for discussion and collaboration between the cultural communities at large to implement ways to meet the identified cultural goals of the area, and supports efforts to meet those needs;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Arts, Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions of this state, and encourage all the citizens of Washington State to join the conversation in planning on the Arts as we address the issues and opportunities for Arts and culture for our state and our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Arts Commission and the Office of the Superintendent of Public Instruction on behalf of all the Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions of this state.

HOUSE RESOLUTION NO. 4698 was adopted.

MESSAGE FROM THE SENATE

February 18, 2004

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546, and the same is herewith transmitted.

Milt H. Doumit, Secretary

INTRODUCTION & FIRST READING

SSB 5053 by Senate Committee on Ways & Means (originally sponsored by Senators Hale, McCaslin, Schmidt, Honeyford, Parlette, T. Sheldon, Hewitt, Johnson and Oke)

AN ACT Relating to requiring legislative authority for agencies to adopt rules that exceed federal standards; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

3SSB 5412 by Senate Committee on Highways & Transportation (originally sponsored by Senators Brandland, Kline, Winsley, Haugen, Prentice, Reardon, Rasmussen, Eide and McCaslin)

AN ACT Relating to identity theft penalties and prevention; amending RCW 9.35.020; adding new sections to chapter 46.20 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

E2SSB 5957 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland)

AN ACT Relating to the collection and use of water quality data; adding new sections to chapter 90.48 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6153 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Prentice, Eide, Haugen, Winsley, Kohl-Welles and Kline)

AN ACT Relating to notifying home buyers of where information regarding registered sex offenders may be obtained; amending RCW 64.06.020; adding a new section to chapter 64.06 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SSB 6173 by Senate Committee on Land Use & Planning (originally sponsored by Senators Haugen, Mulliken, Horn, Morton, Pflug and Kastama)

AN ACT Relating to requiring storm water and wetland mitigation for public-use airports to be compatible with safe airport operations; amending RCW 90.74.020; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

ESB 6188 by Senators Esser, Kline and Johnson

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

Referred to Committee on Judiciary.

SB 6195 by Senator Benton

AN ACT Relating to insurer inquiries to consumer reporting agencies; and adding a new section to chapter 19.182 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 6200 by Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, Rasmussen, Honeyford and Prentice; by request of Horse Racing Commission)

AN ACT Relating to the management of moneys by the Washington horse racing commission; amending RCW 67.16.010, 67.16.102, and 67.16.105; reenacting and amending RCW 43.79A.040; adding new sections to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 6249 by Senators Fraser, Winsley, Pflug, Regala and Carlson; by request of Select Committee on Pension Policy

AN ACT Relating to establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems; and amending RCW 41.45.020 and 41.45.035.

Referred to Committee on Appropriations.

SSB 6253 by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Fraser, Regala, Carlson, Keiser, Roach, Pflug, Spanel, Rasmussen and Eide; by request of Select Committee on Pension Policy)

AN ACT Relating to establishing a one thousand dollar minimum monthly benefit for public employees' retirement system plan 1 members and teachers' retirement system plan 1 members who have at least twenty-five years of service and who have been retired at least twenty years; and amending RCW 41.32.4851 and 41.40.1984.

Referred to Committee on Appropriations.

SB 6254 by Senators Regala, Winsley, Fraser, Carlson, Keiser, Roach, Franklin, Rasmussen and Haugen; by request of Select Committee on Pension Policy

AN ACT Relating to death benefits for members of the Washington state patrol retirement system plan 2; and amending RCW 43.43.295.

Referred to Committee on Appropriations.

ESSB 6401 by Senate Committee on Land Use & Planning (originally sponsored by Senators Rasmussen, Roach, Kastama, Franklin, Doumit, Shin, Schmidt, Oke, Haugen and Murray)

AN ACT Relating to encroachment of incompatible land uses around military installations; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

ESSB 6420 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, Kohl-Welles, Rasmussen, Oke and Winsley; by request of Secretary of State)

AN ACT Relating to voting systems, including establishing paper record requirements for electronic voting devices; amending RCW 29A.12.020, 29A.12.050, 29A.12.060, 29A.12.070, 29A.12.080, 29A.12.090, 29A.12.100, 29A.12.110, 29A.12.130, 29A.12.150, 29A.44.320, 29A.60.060, and 29A.04.610; adding new sections to chapter 29A.12 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6439 by Senators Horn, Haugen, Swecker, T. Sheldon, Schmidt, Johnson, Poulsen, B. Sheldon, Jacobsen, Stevens, Mulliken, Hale, Spanel, Eide, Rasmussen and Winsley

AN ACT Relating to motorcycle safety training curriculum; amending RCW 46.82.420; and adding a new section to chapter 28A.220 RCW.

Referred to Committee on Transportation.

SB 6476 by Senators Mulliken and T. Sheldon

AN ACT Relating to designating manufactured housing communities as nonconforming uses; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

E2SSB 6489 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Stevens)

AN ACT Relating to fair competition in correctional industries; amending RCW 72.09.070, 72.09.100, 72.09.460, and 72.09.015; reenacting and amending RCW 72.09.100, 72.09.111, and 28B.10.029; adding new sections to chapter 72.09 RCW; adding a new section to chapter 42.17 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

SB 6545 by Senators Schmidt, Eide and Esser

AN ACT Relating to the treatment of confidential and proprietary information filed with the utilities and transportation commission and the attorney general; amending RCW 80.04.095; reenacting and amending RCW 42.17.310 and 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

SSB 6568 by Senate Committee on Higher Education (originally sponsored by Senators Fraser, Winsley, Kline, Kohl-Welles, Jacobsen, B. Sheldon, Spanel, Keiser, Franklin and Thibaudeau)

AN ACT Relating to directing the institute for public policy to develop a proposal for establishing a Washington state women's history center or information network; and creating new sections.

Referred to Committee on Higher Education.

SSB 6581 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Hargrove)

AN ACT Relating to funding for forest fire protection; and amending RCW 76.04.610.

Referred to Committee on Agriculture & Natural Resources.

2SSB 6599 by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford, Swecker, Parlette, Haugen, Sheahan and Rasmussen)

AN ACT Relating to required elements of cholinesterase monitoring programs for certain pesticide handlers; adding new sections to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 6601 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, T. Sheldon, Stevens, Roach, Murray and Oke)

AN ACT Relating to obesity lawsuits; adding a new section to chapter 7.72 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 6612 by Senator Horn

AN ACT Relating to priorities of the statewide multimodal transportation plan; amending RCW 47.06.050; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 6702 by Senators Murray, Horn, Poulsen, McAuliffe, Kline and Berkey

AN ACT Relating to the commute trip reduction program; amending RCW 70.94.524 and 70.94.527; and creating new sections.

Referred to Committee on Transportation.

ESSB 6731 by Senate Committee on Agriculture (originally sponsored by Senators Honeyford, Mulliken and Rasmussen)

AN ACT Relating to standards and grades for fruits and vegetables; amending RCW 15.17.050; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

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

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

There being no objection, the Committee on Health Care was relieved of further consideration on SENATE BILL NO. 6356, and the bill was referred to the Committee on Commerce & Labor.

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

There being no objection, the House adjourned until 10:00 a.m., February 20th, 2004, the 40th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

THIRTY NINTH DAY, FEBRUARY 19, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 20, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kendra Ellis and Stephen Redding-Fosha. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Bishop Milton Corley, Gleanings Bible Church, Seattle.

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

RESOLUTION

HOUSE RESOLUTION NO. 2004-4699, By Representatives Lovick, Pettigrew and D. Simpson

WHEREAS, The strength of America is embodied in its guarantee of life, liberty, equality, justice, and the right to pursue happiness for all its people; a guarantee that is predicated, in part, upon universal education for all children, the right to vote, and the right to fully participate in the civic life of the American community; and

WHEREAS, During the early years of America's history, under state and local laws in parts of the country, African-American children were enslaved and denied the right to any education, and when those laws were overturned at the end of the civil war, African-American and Caucasian children, through local segregation laws, were denied the right to learn together in the same schools and colleges; and

WHEREAS, 2004 is the fiftieth anniversary of *Brown v. Board of Education*, a landmark decision in which the Supreme Court unanimously declared that separate was inherently unequal, segregation was illegal, and all American children, regardless of the colors of their skins, had the right to study and learn together in the same schools and colleges; and

WHEREAS, *Brown v. Board of Education* began to break down the legal structures that denied African-Americans the right to fully participate in the country's educational system, and paved the way for the African-Americans and other Americans to work together to fulfill the dream so eloquently articulated by Dr. Martin Luther King Jr., that all people would be judged on the content of their characters instead of the color of their skins; and

WHEREAS, *Brown v. Board of Education* was the first legal victory in almost one hundred years for a civic structure that was based on "One America," a victory that helped inspire African-Americans and other Americans to work together for equality in other aspects of American life, leading to freedom marches, the Civil Rights Law of 1965, and the Voting Rights Act of 1965; and

WHEREAS, While African-Americans and other Americans have made honorable attempts to provide educational equality for all children, an achievement gap in education and higher education is delaying the fulfillment of the dream of "One America" for many children, including children from African-American, Hispanic-American, and American Indian heritages, children from low-income backgrounds, children with disabilities, and immigrant children for whom English is not their families' first language; and

WHEREAS, The achievement gap, which includes lower academic achievement levels, higher school and college dropout rates, lower school and college graduation rates, lower levels of college and graduate school admissions for children from different ethnic, racial, and socio-economic backgrounds, impedes the abilities of these children to fully participate in the economic and civic lives of their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of our state, remember with regret the years when the promises of the Declaration of Independence and the Constitution did not apply equally to all Americans and celebrate the fiftieth anniversary of *Brown v. Board of Education* when the Supreme Court declared that the guarantees of equality in our foundational documents applied equally to all of America's children; and

BE IT FURTHER RESOLVED, That as a state and nation, we continue to work together to fulfil the dream of "One America," a land in which all children have equal opportunities to become well educated, to pursue their lives unimpeded by discrimination, and to be judged by the content of their characters instead of the socio-economic circumstances of their families, or the lands of their birth, or the color of their skins; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Governor, the Superintendent of Public Instruction, the members of the superintendent's multi-ethnic think tank, and the Commission on African-American Affairs.

HOUSE RESOLUTION NO. 4699 was adopted.

REPORTS OF STANDING COMMITTEES

February 19, 2004

SB 6372 Prime Sponsor, Senator Oke: Creating a state parks centennial committee. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; Upthegrove, Vice Chairman; Sump, Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Passed to Committee on Rules for second reading.

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

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

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

There being no objection, the House adjourned until 10:00 a.m., February 23, 2004, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FORTIETH DAY, FEBRUARY 20, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 23, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Will Graham and Miriam Witt. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Iman Mohammad Joban, Al-Noor Mosque and Islamic Center of Olympia.

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

REPORTS OF STANDING COMMITTEES February 20, 2004

SB 6127 Prime Sponsor, Senator Swecker: Promoting Washington state agriculture. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

On page 4, line 3, after "liable" strike all material through "organization" on line 5 and insert "under any circumstances for the acts of the successor organization, any member of its board of directors, or its employees"

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 20, 2004

SB 6164 Prime Sponsor, Senator B. Sheldon: Concerning residency status of military dependents. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

February 20, 2004

SSB 6216 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Defining timber land to include certain incidental uses. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 19, 2004

SB 6237 Prime Sponsor, Senator Hewitt: Providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 20, 2004

SB 6269 Prime Sponsor, Senator Hale: Concerning the relocation of harbor lines. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 20, 2004

SB 6650 Prime Sponsor, Senator Keiser: Providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 24, 2004, the 44th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FORTY THIRD DAY, FEBRUARY 23, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 24, 2004

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

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

INTRODUCTION & FIRST READING

HB 3204 By Representatives Sommers and Cody

AN ACT Relating to basic health plan benefits for home care agency providers; amending RCW 70.47.020, 70.47.030, 70.47.060, and 70.47.100; and creating a new section.

Referred to Committee on Appropriations.

HB 3205 By Representative Murray

AN ACT Relating to a homeland transportation security surcharge; amending RCW 46.01.140 and 46.16.071; creating new sections; and making appropriations.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

February 20, 2004

ESSB 5861 Prime Sponsor, Committee On Government Operations & Elections: Making it a crime to impersonate a veteran of the armed forces. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 16, after "identity of" strike "an active or retired veteran" and insert "a veteran or active duty member"

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 20, 2004

SB 6417 Prime Sponsor, Senator Roach: Incorporating the 2003 changes into Title 29A RCW. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 25, 2004, the 45th Day of the Regular Session.

FORTY FOURTH DAY, FEBRUARY 24, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 25, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mallory King and Jessica Engholm. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Father Iman Mohammad Joban, Al-Nour Mosque and Islamic Center of Olympia.

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

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

REPORTS OF STANDING COMMITTEES

HB 2459 Prime Sponsor, Representative Sommers: Making a supplemental operating appropriations. February 24, 2004
Reported by Committee on Appropriations

Majority Recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by: Representatives Sommers, Chair; Fromhold, Vice Chair; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

Minority Recommendation: Do not pass. Signed by: Representatives Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

SSB 6109 Prime Sponsor, Senate Committee On Agriculture: Establishing a system of animal identification. Reported by Committee on Agriculture & Natural Resources February 24, 2004

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 16.57 RCW to read as follows:
(1) The director may adopt rules:

(a) To support the agriculture industry in meeting federal requirements for the country-of-origin labeling of meat; and

(b) To implement federal requirements for animal identification needed to trace the source of livestock for disease control and response purposes.

(2) The director may cooperate with and enter into agreements with other states and agencies of federal government to carry out such a system and to promote consistency of regulation.

(3) In exercising the authorities granted by this section, the director must consult the livestock identification advisory board created under RCW 16.57.015."

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 24, 2004

ESB 6126 Prime Sponsor, Senator Swecker: Promoting Washington-grown apples. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 23, 2004

ESB 6180 Prime Sponsor, Senator Franklin: Prohibiting the use of genetic information in employment decisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6480 Prime Sponsor, Senator Hewitt: Increasing the number of days certain fairs can use the special occasion liquor license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.010 and 2002 c 119 s 3 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant, and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension or revocation of any license, the liquor control board may consider any prior criminal conduct of the applicant including a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The board may, in its discretion, grant or refuse the license applied for. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority shall be adopted by rule. No retail license of any kind may be issued to:

(a) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation or a limited liability company, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be.

(b) The board shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

(d) Witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5)(a) At the time of the original issuance of a spirits, beer, and wine restaurant license, the board shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time. All conditions and restrictions imposed by the board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8)(a) Unless (b) of this subsection applies, before the board (~~shall~~) issues a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application (~~be~~) is for a license within an incorporated city or town, or to the county legislative authority, if the application (~~be~~) is for a license outside the boundaries of incorporated cities or towns(~~and such~~).

(b) If the application for a special occasion license is for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on property owned by the county but located within an incorporated city or town, the county legislative authority shall be the entity notified by the board under (a) of this subsection. The board shall send a duplicate notice to the incorporated city or town within which the fair is located.

(c) The incorporated city or town(~~or~~) through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the board within twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked(~~and~~).

(d) The written objections shall include (~~(with such objections)~~) a statement of all facts upon which such objections are based, and in case written objections are filed, may request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of Title 34 RCW.

(e) Upon the granting of a license under this title the board shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. When the license is for a special occasion license for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on county-owned property but located within an incorporated city or town, the duplicate shall be sent to both the incorporated city or town and the county legislative authority.

(9) Before the board issues any license to any applicant, it shall give (a) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (b) written notice by certified mail of the application to churches, schools, and public institutions within five hundred feet of the premises to be licensed. The board shall issue no beer retailer license for either on-premises or off-premises consumption or wine retailer license for either on-premises or off-premises consumption or spirits, beer, and wine restaurant license covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the outer property line of the school grounds to the nearest public entrance of the premises proposed for license, and if, after receipt by the school or public institution of the notice as provided in this subsection, the board receives written notice, within twenty days after posting such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies. It is the intent under this subsection that a retail license shall not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board shall fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board shall state in a letter addressed to the private school the board's reasons for issuing the license.

(10) The restrictions set forth in subsection (9) of this section shall not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation.

(11) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or distributor license to an applicant assuming an existing retail or distributor license to continue the operation of the retail or distributor premises during the period the application for the license is pending and when the following conditions exist:

(a) The licensed premises has been operated under a retail or distributor license within ninety days of the date of filing the application for a temporary license;

(b) The retail or distributor license for the premises has been surrendered pursuant to issuance of a temporary operating license;

(c) The applicant for the temporary license has filed with the board an application to assume the retail or distributor license at such premises to himself or herself; and

(d) The application for a temporary license is accompanied by a temporary license fee established by the board by rule.

A temporary license issued by the board under this section shall be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for an additional sixty-day period upon payment of an additional fee and upon compliance with all conditions required in this section.

Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

Application for a temporary license shall be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application shall be refunded in full.

Sec. 2. RCW 66.24.380 and 1997 c 321 s 24 are each amended to read as follows:

There shall be a retailer's license to be designated as a special occasion license to be issued to a not-for-profit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption

at a specified event, such as at picnics or other special occasions, at a specified date and place; fee sixty dollars per day.

(1) The not-for-profit society or organization is limited to sales of no more than twelve calendar days per year. For the purposes of this subsection, special occasion licensees that are "agricultural area fairs" or "agricultural county, district, and area fairs," as defined by RCW 15.76.120, that receive a special occasion license may, once per calendar year, count as one event fairs that last multiple days, so long as alcohol sales are at set dates, times, and locations, and the board receives prior notification of the dates, times, and locations. The special occasion license applicant will pay the sixty dollars per day for this event.

(2) The licensee may sell beer and/or wine in original, unopened containers for off-premises consumption if permission is obtained from the board prior to the event.

(3) Sale, service, and consumption of spirits, beer, and wine is to be confined to specified premises or designated areas only.

(4) Spiritous liquor sold under this special occasion license must be purchased at a state liquor store or agency without discount at retail prices, including all taxes.

(5) Any violation of this section is a class 1 civil infraction having a maximum penalty of two hundred fifty dollars as provided for in chapter 7.80 RCW."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2004

SB 6502 Prime Sponsor, Senator Deccio: Developing a schedule of fees for performing independent reviews of health care disputes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Benson; Clibborn; Darneille; Rodne and Schual-Berke.

Passed to Committee on Rules for second reading.

February 23, 2004

SSB 6584 Prime Sponsor, Senate Committee On Commerce & Trade: Modifying liquor licensing provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 23, 2004

SB 6586 Prime Sponsor, Senator Honeyford: Concerning electrical work on boilers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 23, 2004

SSB 6649 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Retaining fees for mobile/manufactured homes and factory built housing and commercial structures. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.22.434 and 2003 c 67 s 1 are each amended to read as follows:

(1) The director or the director's authorized representative may conduct such inspections, investigations, and audits as may be necessary to adopt or enforce manufactured and mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, park trailer, factory built housing, and factory built commercial structure rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.

(2) For purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge may:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which manufactured and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, park trailers, factory built housing, and factory built commercial structures are manufactured, stored, or held for sale;

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the national manufactured home construction and safety standards act of 1974. Each inspection shall be commenced and completed with reasonable promptness; and

(c) As requested by an owner of a conversion vending unit or medical unit, inspect an alteration.

(3) For purposes of determining compliance with this chapter's permitting requirements for alterations of mobile and manufactured homes, the department may audit the records of a contractor as defined in chapter 18.27 RCW or RCW 18.106.020(1) or an electrical contractor as defined in RCW 19.28.006 when the department has reason to believe that a violation of the permitting requirements has occurred. The department shall adopt rules implementing the auditing procedures. Information obtained from a contractor through an audit authorized by this subsection is confidential and not open to public inspection under chapter 42.17 RCW.

(4)(a) The department shall set a schedule of fees by rule which will cover the costs incurred by the department in the administration of RCW 43.22.335 through 43.22.490. The department may waive mobile/manufactured home alteration permit fees for indigent permit applicants.

(b)(i) Until April 1, ~~((2004))~~ 2009, subject to (a) of this subsection, ~~((and for the purposes of implementing the pilot project approved by the mobile/manufactured home alteration task force.))~~ the department may adopt by rule a temporary statewide fee schedule that decreases fees for mobile/manufactured home alteration permits and increases fees for factory-built housing and commercial structures plan review and inspection services. ~~((Under the temporary fee schedule, the department may waive mobile/manufactured home alteration permit fees for indigent permit applicants. The department may increase fees for factory built housing and commercial structures plan review and inspection services in excess of the fiscal growth factor under chapter 43.135 RCW, if the increases are necessary to fund the cost of administering RCW 43.22.335 through 43.22.490. In no instance shall any fee that applies to the factory built housing and commercial plan review and inspection services be increased in excess of forty percent.))~~

(ii) Effective April 1, ~~((2004))~~ 2009, the department must adopt a new fee schedule that is the same as the fee schedule that was in effect immediately prior to the temporary fee schedule authorized in (b)(i) of this subsection. However, the new fee schedule must be adjusted by the fiscal growth factors not applied during the period that the temporary fee schedule was in effect.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 31, 2004."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 23, 2004

ESB 6737 Prime Sponsor, Senator Hewitt: Changing provisions relating to distribution of liquor.

Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

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

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

February 25, 2004

Mr. Speaker:

The Senate has passed SENATE CONCURRENT RESOLUTION NO. 8419, and the same is herewith transmitted.

Milt H. Doumit, Secretary

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

INTRODUCTION & FIRST READING

SCR 8419 by Senators Franklin, Deccio, Thibaudeau, Keiser, T. Sheldon, McAuliffe and Kohl-Welles

Creating a joint select committee on health disparities.

Referred to Committee on Health Care.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

HOUSE BILL NO. 2459, By Representatives Sommers, Fromhold and Sehlin; by request of Governor Locke

Making supplemental operating appropriations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2459 was substituted for House Bill No. 2459 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2459 was read the second time.

MOTIONS

On motion of Representative Santos, Representative Edwards was excused. On motion of Representative Clements, Representative Ericksen was excused.

With the consent of the House, amendments (1058), (1046), (1055), (1054) and (1056) were withdrawn.

Representative Conway moved the adoption of amendment (1059):

On page 28, after line 6, insert the following:

"(9) By December 1, 2004, the office of financial management shall report to the house of representatives committees on commerce and labor, state government, and trade and economic development and the senate committees on commerce and trade, economic development, government operations and elections, or their successor committees, on its review of the following:

(a) Personal services and purchased services contracts, and any subcontracts awarded under such contracts, performed at locations outside the United States;

(b) The applicability of international trade agreements to state procurement policies; the compliance of signatories to such agreements with international and state child labor, environmental protection, human rights, and labor standards; and the effects of such agreements on domestic preferences adopted by signatories to such agreements;

(c) The economic benefit of awarding personal services and purchased services contracts to Washington companies. The economic benefit shall be measured as follows:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands;

(d) The cost to the state of retraining workers who are separated from employment because their positions were outsourced to locations outside the United States, and issues relative to their eligibility for training benefits under RCW 50.22.150;

(e) The extent to which state contracts performed at locations outside the U.S. involve solicitation or disclosure of personal information; and

(f) The relationship between state labor market conditions, including unemployment rate, and outsourcing decisions."

Representatives Conway, Romero and Veloria spoke in favor of the adoption of the amendment.

Representatives Benson and Anderson spoke against the adoption of the amendment.

The amendment was adopted.

Representative Cairnes moved the adoption of amendment (1047):

On page 53, line 31, increase the general fund–state appropriation for fiscal year 2005 by \$47,000.

On page 53, line 33, increase the general fund—federal appropriation by \$44,000.

Correct the total.

On page 56, line 29, strike "\$780,000" and insert "\$827,000"

On page 56, line 30, strike "\$1,092,000" and insert "\$1,136,000"

On page 56, line 33, strike "\$14.83" and insert "\$14.93"

On page 58, line 24, increase the general fund—state appropriation for fiscal year 2005 by \$296,000.

On page 58, line 26, increase the general fund—federal appropriation by \$294,000.

Correct the total.

On page 62, line 10, strike "\$4,837,000" and insert "\$5,133,000"

On page 62, line 11, strike "\$6,898,000" and insert "\$7,192,000"

On page 62, line 14, strike "\$14.83" and insert "\$14.93"

Representative Cairnes spoke in favor of the adoption of the amendment.

Representative Ruderman spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1047) to Substitute House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1047) to Substitute House Bill No. 2459, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Miloscia, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 49.

Excused: Representatives Edwards and Ericksen - 2.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (1047) to SUBSTITUTE HOUSE BILL NO. 2459.

ERIC PETTIGREW, 37th District

Representative McDermott moved the adoption of amendment (1049):

On page 74, after line 32, insert the following:

"(6) If, by June 1, 2004, the department has not completed the computer system updates required to implement RCW 41.56.113, the department is subject to penalties as described in this subsection. For each day after May 31, 2004, that the department fails to make the deductions required by RCW 41.56.113(2)(a) as per the agreement entered into by the department pursuant to RCW 41.56.113(3)(a), \$2,500 of the general fund--state appropriation for fiscal year 2005 and \$2,500 of the general fund--federal appropriation provided in this section shall lapse."

Representatives McDermott and Benson spoke in favor of the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1049) to Substitute House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1049) to Substitute House Bill No. 2459, and the amendment was adopted by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Flannigan, Fromhold, Hunter, McIntire, Moeller, Morris, Ruderman, and Sommers - 8.

Excused: Representatives Edwards and Ericksen - 2.

Representative Cody moved the adoption of amendment (1042):

On page 75, line 15, increase the health services account--state appropriation by \$150,000.

On page 75, line 22, correct the total.

On page 77, after line 37, insert the following:

"(10) \$150,000 of the health services account--state appropriation is provided for fiscal year 2005 solely to conduct a study and prepare recommendations to the legislature related to health care financing, cost containment and quality improvement in the state's health care system. The report and recommendations must be submitted to the governor and appropriate committees of the legislature by October 1, 2005.

(a) The study shall be conducted jointly by the administrator, the department of health and the state board of health. An advisory committee shall be established that includes representatives of at least the following individuals or entities: Business; labor organizations; consumers, including people with disabilities; communities of color; health care providers and facilities; health insurance carriers; academic or health care research institutions; health care ethicists; the department of social and health services; and the department of labor and industries. The committee shall be actively consulted with in conducting the study and preparing recommendations.

(b) The following issues shall be examined and addressed in the study and recommendations:

(i) Assessing Washington state's health care needs and available resources. In assessing health care needs, improving health status and health outcomes for residents of Washington state should be the primary focus;

(ii) The impacts of the employer-based health insurance system upon the availability and affordability of health insurance coverage in Washington state. The impacts to be considered include but are not limited to:

(A) Trends in employer sponsored health insurance coverage among large and small employers, including an assessment of the impact of the failure of some large employers to provide health insurance coverage to their workers on the competitive environment between employers that do provide coverage and those that do not;

(B) The appropriate role of medical assistance programs, the state childrens health insurance program and the basic health plan as a source of health care coverage for low wage workers whose employers do not offer health insurance coverage, and the fiscal impact of that coverage upon the state;

(iii) Containing the cost of health care coverage;

(iv) Improving the quality and effectiveness of the health care system through increased focus upon evidence-based medicine, proven preventive health services, management of chronic disease, implementation of proven patient safety strategies, and other appropriate mechanisms;

(v) Decreasing health disparities between racial and ethnic groups;

(vi) Increasing the transparency of health care costs and the relative efficiency with which care is delivered; and

(vii) Consolidation of existing state programs to achieve efficiencies where possible.

(c) To provide more information related to the role of state funded health insurance programs in covering low wage workers, the administrator, in consultation with the department of social and health services, shall provide a report to the legislature by February 1, 2005 on employers whose employees are receiving benefits through the basic health plan or medical assistance for themselves or their dependents. The report must include information on the size of the employers, the number of employees who are receiving benefits through the basic health plan or medical assistance; the number of enrollees who are spouses or dependents of their employees; whether the employers offer health benefits to their employees; and the cost to the state of providing basic health plan or medical assistance for their employees and enrolled dependents."

Representatives Cody, Conway and G. Simpson spoke in favor of the adoption of the amendment.

Representatives Bailey, DeBolt, Alexander, Carrell and Anderson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1042) to Substitute House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1042) to Substitute House Bill No. 2459, and the amendment was adopted by the following vote: Yeas - 51, Nays - 45, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Excused: Representatives Edwards and Ericksen - 2.

Representative Benson moved the adoption of amendment (1057):

On page 83, line 10, after "residential" strike "." and insert "and"
On page 83, line 10, after "services," strike "and midwives,"

Representatives Benson and Ruderman spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Buck moved the adoption of amendment (1045):

On page 102, line 2, increase the special wildlife account--state appropriation by \$100,000.

On page 102, line 7, increase the special wildlife account--private/local appropriation by \$100,000

On page 102, line 18, correct the total.

On page 191, after line 12, insert the following:
"Wildlife Account: For transfer to the special wildlife account, \$250,000 in fiscal year 2004 and \$250,000 in fiscal year 2005 \$500,000"

Representatives Buck and Cooper spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Upthegrove moved the adoption of amendment (1048):

On page 116, line 20, after "instruction." insert "Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients."

On page 145, line 34, after "counseling." insert "\$35,000 of the fiscal year 2005 appropriation in this subsection is provided solely for summer institutes training related to implementing the civics essential academic learning requirements and the classroom-based civics assessments developed by the superintendent of public instruction."

Representatives Upthegrove and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Talcott moved the adoption of amendment (1051):

On page 118, line 11, increase the general fund-state appropriation by \$50,000.

On page 118, line 15, correct the total.

On page 122, after line 17, insert the following:

"(xii) \$50,000 of the general fund-state appropriation for fiscal year 2005 is provided solely for expanding the World War II oral history project to include the role of women during World War II. The project shall be conducted in accordance with RCW 28A.300.370."

On page 180, line 24, reduce the general fund-state fiscal year 2005 appropriation to the education technology revolving account by \$50,000.

On page 180, line 26, correct the total.

On page 191, line 6, decrease the transfer from the education technology revolving fund to the data processing revolving account by \$50,000.

Representatives Talcott and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Anderson moved the adoption of amendment (1053):

On page 149, line 21, after "act" insert the following "subject to the following conditions and limitations: \$850,000 of the amount retained at the state level shall be used to pay stipends to mentor teachers and expand enrollment opportunities through the alternative routes to certification program under Chapter RCW 28A.660 RCW"

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1053) to Substitute House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1053) to Substitute House Bill No. 2459, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 51, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlín, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representatives Edwards and Ericksen - 2.

Representative Clements moved the adoption of amendment (1060):

On page 152, beginning on line 36, after "limitations:", strike all material through "lapse." on page 153, line 3, and insert the following:

"(1) The appropriation provided in this section must be used by the superintendent of public instruction solely to implement Third Substitute House Bill No. 1796 (driver's education funding).

(2) Each school district receiving funds in accordance with this section must offer to qualified low-income students the option of either enrolling in a school district-provided traffic safety education course at a reduced rate or receiving a scholarship of an equivalent amount to enroll in any drivers' school licensed under chapter 46.82 RCW, based on available funds received under this section.

(3) If Third Substitute House Bill No. 1796 is not enacted by June 30, 2004, the amount in this section shall lapse."

Representatives Clements and Benson spoke in favor of the adoption of the amendment.

Representatives Schual-Berke and Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Priest moved the adoption of amendment (1044):

On Page 172, after line 25, insert the following:

"(5) The governor's office with assistance from the higher education coordinating board shall enter into negotiations with the governing boards of one state research university and one state regional university, and with the state board for community and technical colleges for one state community or technical college, to create a prototype of a performance contract with each institution.

(a) The prototype performance contracts shall, at a minimum: (i) reflect statewide goals and priorities of the legislature; (ii) contain goals and commitments from both the institutions and the state; (iii) include quantifiable performance measures and benchmarks; (iv) and include any other information deemed pertinent by the governor and higher education institutions.

(b) By January 15, 2005, the governor shall submit to the higher education and fiscal committees of the legislature the prototype performance contracts including any implementing legislation."

Representatives Priest, Jarrett, Cox, Sump, Anderson, Mastin and DeBolt spoke in favor of the adoption of the amendment.

Representatives Fromhold, McIntire, Sommers and Miloscia spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1044) to Substitute House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1044) to Substitute House Bill No. 2459, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hankins, Hinkle, Holmquist, Hunter, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 47.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 49.

Excused: Representatives Edwards and Ericksen - 2.

Representative Sommers moved the adoption of amendment (1050):

On page 186, after line 12, insert the following:

"**Sec. 717.** 2003 1st sp.s. c 25 s 710 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2003, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2004) ((\$21,256,000))	<u>\$20,256,000</u>
General Fund--State Appropriation (FY 2005) ((\$20,914,000))	<u>\$21,414,000</u>

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2004) \$6,000,000
General Fund--State Appropriation (FY 2005) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2004) \$500,000
General Fund--State Appropriation (FY 2005) \$500,000
TOTAL APPROPRIATION ((\$55,170,000))

\$54,670,000"

Representatives Sommers and Sehlin spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Anderson moved the adoption of amendment (1052):

On page 194, beginning on line 22, strike everything after "state." up through and including "section." on line 26.

On page 194, line 27, strike "or" and insert " , ((or))"

On page 194, line 28, after "districts" insert " , or joint purchasing agencies as established in RCW 28A.320.080"

Representatives Anderson and Cox spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1052) to Substitute House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1052) to Substitute House Bill No. 2459, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 51, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representatives Edwards and Ericksen - 2.

Representative Clements moved the adoption of amendment (1043):

On page 207, after line 25, insert the following:

"**NEW SECTION. Sec. 913.** The appropriations contained in this act assume passage of House Bill No. 2005 (postage costs) or Senate Bill No. 6696 (postage costs)."

Renumber the remaining sections consecutively

Representatives Clements, Ahern, Schindler, Benson, Nixon and Anderson spoke in favor of the adoption of the amendment.

Representatives McIntire, Hunter and Kessler spoke against the adoption of the amendment.

SPEAKER'S RULING

Mr. Speaker: "The Speaker would like to remind members to watch their rhetoric in terms of "reign of terror". It is a little overdone in the Speaker's opinion."

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1043) to Substitute House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1043) to Substitute House Bill No. 2459, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 51, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representatives Edwards and Ericksen - 2.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (1043) to SUBSTITUTE HOUSE BILL NO. 2459.
DEB WALLACE, 17th District

With the consent of the House, Rule 13c was suspended.

The bill was ordered engrossed.

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

Representatives Sommers, Kenney, Schual-Berke, Romero, Darneille, Ruderman, Flannigan and Kessler spoke in favor of passage of the bill.

Representatives Sehlin, Carrell, Jarrett, Orcutt, Schoesler, DeBolt, Buck, Mastin, Armstrong, Boldt, Priest and Ahern spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2459 and the bill passed the House by the following vote: Yeas - 51, Nays - 45, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 45.

Excused: Representatives Edwards and Ericksen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 26, 2004, the 46th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FORTY FIFTH DAY, FEBRUARY 25, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 26, 2004

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

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

MESSAGE FROM THE SENATE

February 25, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6187, and the same is herewith transmitted.

Milt H. Doumit, Secretary

INTRODUCTION & FIRST READING

ESSB 6187 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Prentice and Roach; by request of Governor Locke)

AN ACT Relating to fiscal matters; amending RCW 9.46.100, 28A.500.030, 43.83.020, 43.88.030, 43.105.830, 43.105.835, and 69.50.520; amending 2003 1st sp.s. c 25 ss 101, 102, 103, 109, 110, 111, 113, 114, 115, 118, 119, 121, 122, 123, 124, 125, 126, 128, 129, 130, 138, 140, 141, 135, 143, 146, 147, 148, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 217, 219, 220, 221, 222, 226, 216, 225, 302, 303, 304, 305, 307, 308, 309, 401, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 602, 603, 604, 607, 608, 610, 611, 701, 703, 704, 709, 712, 715, 718, 723, 710, 801, 805, and 806 (uncodified); adding new sections to 2003 1st sp.s. 25 (uncodified); adding a new section to chapter 43.180 RCW; and declaring an emergency.

Referred to Committee on Rules.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

February 24, 2004

HB 3164 Prime Sponsor, Representative Murray: Enacting the Transportation Innovative Partnerships Act. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Rodne; Romero; Shabro; G. Simpson; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Kristiansen; Mielke and Schindler.
Passed to Committee on Rules for second reading.

February 24, 2004

SSB 5797 Prime Sponsor, Senate Committee On Health & Long-Term Care: Requiring the department of social and health services to inspect adult family homes at least every twenty-four months. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 1, line 14, after "inspections" insert "and has received no written notice of violations resulting from complaint investigations during that same time period"

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Clibborn; Darneille; Moeller; Rodne and Schual-Berke.

Passed to Committee on Rules for second reading.

February 24, 2004

SSB 6161 Prime Sponsor, Senate Committee On Judiciary: Requiring law enforcement agencies to adopt policies concerning domestic violence by sworn employees. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 24, 2004

SB 6234 Prime Sponsor, Senator Oke: Concerning nonhighway and off-road vehicles. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.09.020 and 1986 c 206 s 1 are each amended to read as follows:

~~((As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:~~

~~"Person" means any individual, firm, partnership, association, or corporation.~~

~~"Nonhighway vehicle" means any motorized vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off road vehicles, two, three, or four wheel vehicles, motorcycles, four wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.~~

~~Nonhighway vehicle does not include:~~

~~(1) Any vehicle designed primarily for travel on, over, or in the water;~~

~~(2) Snowmobiles or any military vehicles; or~~

~~(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.~~

~~"Off road vehicle" or "ORV" means any nonhighway vehicle when used for cross country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.~~

~~"ORV use permit" means a permit issued for operation of an off road vehicle under this chapter.~~

~~"ORV trail" means a multiple use corridor designated and maintained for recreational travel by off road vehicles that is not normally suitable for travel by conventional two wheel drive vehicles and is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.~~

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"ORV recreation facility" includes ORV trails and ORV use areas.

"Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.)

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the nonhighway and off-road vehicle activities advisory committee established in RCW 46.09.280.

(2) "Committee" means the interagency committee for outdoor recreation established in RCW 79A.25.110.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

(4) "Department" means the department of licensing.

("Hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" means any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.

"Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state department of transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.)

(5) "Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

(6) "Motorized vehicle" means a vehicle that derives motive power from an internal combustion engine.

(7) "Nonhighway road" means any road owned or managed by a public agency or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.

(8) "Nonhighway road recreation facilities" means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

(9) "Nonhighway road recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

(10) "Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

(11) "Nonmotorized recreational facilities" means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

(12) "Nonmotorized recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

(13) "Off-road vehicle" or "ORV" means any nonstreet licensed vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

(14) "Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

(15) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

(16) "ORV recreation facilities" include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

(17) "ORV recreational user" means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

(18) "ORV sport park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

(19) "ORV trail" means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

(20) "ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

(21) "Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

(22) "Person" means any individual, firm, partnership, association, or corporation.

Sec. 2. RCW 46.09.110 and 1986 c 206 s 6 are each amended to read as follows:

The moneys collected by the department under this chapter shall be distributed from time to time but at least once a year in the following manner:

The department shall retain enough money to cover expenses incurred in the administration of this chapter: PROVIDED, That such retention shall never exceed eighteen percent of fees collected.

The remaining moneys shall be distributed for ORV recreation facilities by the interagency committee for outdoor recreation in accordance with RCW 46.09.170(~~((4)(d)))~~ (2)(d)(ii)(A).

Sec. 3. RCW 46.09.130 and 1994 c 264 s 35 are each amended to read as follows:

No person may operate a nonhighway vehicle in such a way as to endanger human life. No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

Violation of this section is a gross misdemeanor.

Sec. 4. RCW 46.09.130 and 2003 c 53 s 233 are each amended to read as follows:

(1) No person may operate a nonhighway vehicle in such a way as to endanger human life.

(2) No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

(3) For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

(4) Violation of this section is a gross misdemeanor.

Sec. 5. RCW 46.09.170 and 2003 1st sp.s. c 26 s 920, 2003 1st sp.s. c 25 s 922, and 2003 c 361 s 407 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

~~(((4) Forty))~~ (a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

~~(A) Not more than five percent may be expended for information programs under this chapter;~~

~~(B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;~~

~~(C) Not more than twenty five percent may be expended for maintenance of nonhighway roads;~~

~~(D) Not more than fifty percent may be expended for nonhighway road recreation facilities;~~

~~(E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (e)(iv)(A) of this subsection);~~

~~((ii)) (b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway (roads and) road recreation facilities and the maintenance of nonhighway roads;~~

~~((iii)) (c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV (use areas and), nonmotorized, and nonhighway road recreation facilities; and~~

~~((iv) Fifty four) (d) Fifty-eight and one-half percent (, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110,) shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities (and nonhighway road recreation facilities; ORV user), and for education (and), information(,), and ((ORV)) law enforcement programs. During the fiscal year ending June 30, 2004, a portion of these funds may be appropriated to the department of natural resources to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, for the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses, and for other activities identified in this section. The funds under this subsection shall be expended in accordance with the following limitations, except that during the fiscal year ending June 30, 2004, funds appropriated to the committee from motor vehicle fuel tax revenues for the activities in ((e)(iv)(B) and (C)) (d)(ii) of this subsection shall be reduced by the amounts appropriated to the department of natural resources and the state parks and recreation commission as provided in this subsection:~~

~~((A)) (i) Not more than ((twenty)) thirty percent may be expended for ((ORV)) education, information, and law enforcement programs under this chapter;~~

~~((B) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;~~

~~((C) Not more than twenty percent may be expended for nonhighway road recreation facilities)) (ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:~~

~~(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;~~

~~(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and~~

~~(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;~~

~~(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.~~

~~((2)) (3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.~~

~~((3)) (4) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ((ORV)) NOVA account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection ((4)) (2) of this section.~~

Sec. 6. RCW 46.09.170 and 2003 1st sp.s. c 25 s 922 and 2003 c 361 s 407 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

~~((i) Forty)~~ (a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads~~((and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:~~

~~(A) Not more than five percent may be expended for information programs under this chapter;~~

~~(B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;~~

~~(C) Not more than twenty five percent may be expended for maintenance of nonhighway roads;~~

~~(D) Not more than fifty percent may be expended for nonhighway road recreation facilities;~~

~~(E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under ~~(e)(iv)(A) of this subsection~~);~~

~~((ii))~~ (b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway (roads and) road recreation facilities and the maintenance of nonhighway roads;

~~((iii))~~ (c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV (use areas and), nonmotorized, and nonhighway road recreation facilities; and

~~((iv) Fifty four)~~ (d) Fifty-eight and one-half percent~~((, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110,))~~ shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities (and nonhighway road recreation facilities; ORV user) and for education (and), information(,), and ((ORV)) law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

~~((A))~~ (i) Not more than ~~((twenty))~~ thirty percent may be expended for ~~((ORV))~~ education, information, and law enforcement programs under this chapter;

~~((B) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;~~

~~((C) Not more than twenty percent may be expended for nonhighway road recreation facilities))~~ (ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.

~~((2))~~ (3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

~~((3))~~ (4) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ~~((ORV))~~ NOVA account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection ~~((4))~~ (2) of this section.

Sec. 7. RCW 46.09.240 and 1998 c 144 s 1 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, nonprofit ORV organizations, and Indian tribes. Funds distributed under this section to nonprofit ORV organizations may be spent only on projects or activities that benefit ORV recreation on lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

(2) The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds

under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

~~((2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:~~

~~(a) In the newspaper of general circulation published nearest the proposed project;~~

~~(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and~~

~~(c) If the proposed project is located in a county with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that has a population of forty thousand or more.~~

~~(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.)~~

(3) The interagency committee for outdoor recreation shall require each applicant for acquisition or development funds under this section to comply with the requirements of either the state environmental policy act, chapter 43.21C RCW, or the national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

Sec. 8. RCW 46.09.280 and 2003 c 185 s 1 are each amended to read as follows:

(1) The interagency committee for outdoor recreation shall establish the nonhighway and off-road vehicle activities advisory committee to provide advice regarding the administration of this chapter. The ((nonhighway and off road vehicle advisory)) committee consists of governmental representatives, land managers, and a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with ((off road vehicle)) ORV, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience.

~~((Only representatives of organized ORV groups may be voting members of the committee with respect to))~~ (2) After the advisory committee has made recommendations regarding the expenditure of the fuel tax revenue portion of the nonhighway and off-road vehicle account moneys, the advisory committee's ORV and mountain biking recreationists, governmental representatives, and land managers will make recommendations regarding the expenditure of funds received under RCW 46.09.110.

(3) At least once a year, the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall report to the nonhighway and off-road vehicle activities advisory committee on the expenditures of funds received under RCW 46.09.110 and 46.09.170 and must proactively seek the advisory committee's advice regarding proposed expenditures.

(4) The advisory committee shall advise these agencies regarding the allocation of funds received under RCW 46.09.170 to ensure that overall expenditures reflect consideration of the results of the most recent fuel use study.

Sec. 9. RCW 46.09.050 and 1986 c 206 s 3 are each amended to read as follows:

ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

~~(3) ((An off road vehicle operating in an organized competitive event on privately owned or leased land: PROVIDED, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: PROVIDED FURTHER, That such exemption shall be strictly construed.~~

~~(4)) Off-road vehicles operated on agricultural lands owned or leased by the ORV owner or operator ((or on lands which the operator has permission to operate without an ORV use permit)).~~

~~((5))~~ (4) Off-road vehicles owned by a resident of another state that have a valid ORV permit or vehicle license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.

~~((6))~~ (5) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

~~((7) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.~~

~~(8))~~ (6) Vehicles which are licensed pursuant to chapter 46.16 RCW or in the case of nonresidents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence.

NEW SECTION. Sec. 10. A new section is added to chapter 46.09 RCW to read as follows:
Except as provided in RCW 46.09.050, it is unlawful for any dealer to sell at retail an off-road vehicle without an ORV use permit required in RCW 46.09.040.

NEW SECTION. Sec. 11. (1) Section 3 of this act expires July 1, 2004.
(2) Section 4 of this act takes effect July 1, 2004.
(3) Section 5 of this act expires June 30, 2005.
(4) Section 6 of this act takes effect June 30, 2005."

On page 1, beginning on line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.09.020, 46.09.110, 46.09.130, 46.09.130, 46.09.240, 46.09.280, and 46.09.050; reenacting and amending RCW 46.09.170 and 46.09.170; adding a new section to chapter 46.09 RCW; providing effective dates; and providing expiration dates."

Signed by Representatives Cooper, Chairman; Uptegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Passed to Committee on Capital Budget.

February 24, 2004
SSB 6286 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Modifying provisions of the heating oil pollution liability protection act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 24, 2004
SSB 6384 Prime Sponsor, Senate Committee On Judiciary: Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that domestic violence is a growing and more visible public safety problem in Washington state than ever before, and that domestic violence-related incidents have a significant bearing on overall law enforcement and court caseloads. The legislature further recognizes the growing costs associated with domestic violence prevention and advocacy programs established by local governments and by community-based organizations.

It is the legislature's intent to establish a penalty in law that will hold convicted domestic violence offenders accountable while requiring them to pay penalties to offset the costs of domestic violence advocacy and prevention programs. It is the legislature's intent that the penalties imposed against convicted domestic violence offenders under section 2 of this act be used for established domestic violence prevention and prosecution programs. It is the legislature's intent that the revenue from the penalty assessment shall be in addition to existing sources of funding to enhance or help prevent the reduction and elimination of domestic violence prevention and prosecution programs.

NEW SECTION. Sec. 2. A new section is added to chapter 10.99 RCW to read as follows:

(1) All superior courts, and courts organized under Title 3 or 35 RCW, may impose a penalty assessment not to exceed one hundred dollars on any person convicted of a crime involving domestic violence. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided by law.

(2) Revenue from the assessment shall be used solely for the purposes of establishing and funding domestic violence advocacy and domestic violence prevention and prosecution programs in the city or county of the court imposing the assessment. Revenue from the assessment shall not be used for indigent criminal defense. If the city or county does not have domestic violence advocacy or domestic violence prevention and prosecution programs, cities and counties may use the revenue collected from the assessment to contract with recognized community-based domestic violence program providers.

(3) The assessment imposed under this section shall not be subject to any state or local remittance requirements under chapter 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

(4) For the purposes of this section, "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, or the levying of a fine. For the purposes of this section, "domestic violence" has the same meaning as that term is defined under RCW 10.99.020 and includes violations of equivalent local ordinances.

(5) When determining whether to impose a penalty assessment under this section, judges are encouraged to solicit input from the victim or representatives for the victim in assessing the ability of the convicted offender to pay the penalty, including information regarding current financial obligations, family circumstances, and ongoing restitution.

Sec. 3. RCW 3.50.100 and 1995 c 291 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in section 2 of this act, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 4. RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in section 2 of this act, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

Sec. 5. RCW 3.62.090 and 2003 c 380 s 1 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to seventy percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW 46.63.110(7) (~~(6)~~), the penalty imposed under RCW 46.63.110(8), or the penalty assessment imposed under section 2 of this act.

Sec. 6. RCW 10.82.070 and 1995 c 292 s 3 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) Except as provided in section 2 of this act, the county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 7. RCW 3.46.120 and 1995 c 291 s 2 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid by the clerk to the city treasurer.

(2) Except as provided in section 2 of this act, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW

43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 8. RCW 3.62.040 and 1995 c 291 s 6 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in section 2 of this act, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 9. RCW 35.20.220 and 1995 c 291 s 4 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in section 2 of this act, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts."

Correct the title.

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 24, 2004

SSB 6402 Prime Sponsor, Senate Committee On Financial Services, Insurance & Housing: Giving landlords the flexibility to deposit landlord trust account funds in any financial institution. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.18.270 and 1975 1st ex.s. c 233 s 1 are each amended to read as follows:

All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a lease or rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a ~~((bank, savings and loan association, mutual savings bank,))~~ financial institution as defined by RCW 30.22.041 or licensed escrow agent located in Washington. Unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address, and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

Sec. 2. RCW 59.20.170 and 1999 c 359 s 15 are each amended to read as follows:

(1) All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a ~~((bank, savings and loan association, mutual savings bank,))~~ financial institution as defined by RCW 30.22.041 or licensed escrow agent located in Washington. Except as provided in subsection (2) of this section, unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

(2) All moneys paid, in excess of two months' rent on the mobile home lot, to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall be deposited into an interest-bearing trust account for the particular tenant. The interest accruing on the deposit in the account, minus fees charged to administer the account, shall be paid to the tenant on an annual basis. All other provisions of subsection (1) of this section shall apply to deposits under this subsection."

Correct the title.

Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 24, 2004

SB 6407 Prime Sponsor, Senator Shin: Concerning school district superintendent credential preparation programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

February 25, 2004

SSB 6457 Prime Sponsor, Senate Committee On Children & Family Services & Corrections: Creating a study panel for adoption issues. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the intent of the legislature to convene a study panel on issues relating to adoption composed of four members from the legislature: Two members of the senate to be appointed by the president of the senate, including one member of the majority party and one member of the minority party; and two members of the house of representatives to be appointed by the speaker of the house of representatives, including one member from the majority party and one member from the minority party.

(2) The study panel shall invite the participation of the governor. The study panel shall create an advisory committee to participate in the study panel of invited representatives from federally recognized Indian tribes, the Washington state bar association, the judiciary, and adoption agencies and child-placing agencies including state agencies, nonprofit agencies, and those agencies providing services for domestic or international adoptions; adoptive parents; and adoptees.

(3) The study panel shall study and report findings and recommendations, as well as solicit comments from the community, regarding the current adoption statutes and policies related to the following issues: Adoption-related fees; barriers to adoption; child selling and buying; adoption facilitation, advertising, and marketing; discrimination in adoption based upon ability to pay, race, color, or national origin of child or parent; background checks; and agency licensing and credentialing.

(4) The study panel shall report its findings to the legislature by January 1, 2005."

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 24, 2004

SSB 6466 Prime Sponsor, Senate Committee On Health & Long-Term Care: Regarding the admission of residents to nursing facilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 1, line 10, after "(2)" insert "A nursing facility shall readmit a resident, who has been hospitalized or on therapeutic leave, immediately to the first available bed in a semiprivate room if the resident:

(a) Requires the services provided by the facility; and

(b) Is eligible for medicaid nursing facility services.

(3)"

On page 2, at the beginning of line 8, strike "(3)" and insert "~~((3))~~ (4)"

On page 2, line 12, after "However," insert "except as provided in subsection (2) of this section,"

On page 2, line 17, after "same" strike "county" and insert "proximate geographic area"

On page 2, at the beginning of line 22, strike "(4)" and insert "~~((4))~~ (5)"

On page 2, at the beginning of line 25, strike "(5)" and insert "~~((5))~~ (6)"

On page 2, at the beginning of line 32, strike "(6)" and insert "~~((6))~~ (7)"

On page 2, at the beginning of line 36, strike "(3)" and insert "(4)"

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Clibborn; Darneille; Moeller; Rodne and Schual-Berke.

Passed to Committee on Rules for second reading.

February 24, 2004

SSB 6494 Prime Sponsor, Senate Committee On Health & Long-Term Care: Preventing the use of complete social security numbers on health insurance cards. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Clibborn; Darneille; Moeller and Rodne.

Passed to Committee on Rules for second reading.

February 23, 2004

SSB 6615 Prime Sponsor, Senate Committee On Commerce & Trade: Encouraging employment of workers with developmental disabilities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2004

SSB 6636 Prime Sponsor, Senate Committee On Agriculture: Regulating the disposal of animals. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) An interagency work group shall be formed by the departments of health, agriculture, and ecology to develop a comprehensive state policy on proper methods for disposing of animal carcasses in a manner that protects other animals and humans.

(2) In developing the state policy, the interagency work group shall include the involvement of:

(a) Local health departments;

(b) Other state and federal agencies that have an interest or expertise in the issues to be reviewed by the work group;

(c) University scientists;

(d) Representatives of meat processors;

(e) Representatives of animal feeding operations; and

(f) Other affected constituency groups.

(3) In developing the comprehensive state policy, the interagency work group shall:

(a) Include a review of existing rules for their adequacy in protecting public health and animal health from possible transmission of diseases including, but not limited to, various forms of transmissible spongiform encephalopathies;

(b) Examine the possible vectors of disease transmission including air, land, water, birds, and scavengers;

(c) Evaluate any applicable existing or proposed federal regulations and applicable draft technical guides, including, but not limited to, RCW 16.68.020, WAC 246-203-120(3), and guidance from the United States department of agriculture; and

(d) Develop an educational component that will provide information and technical guidance to governmental entities, animal owners, and the public on how to comply with the state policy and associated rules.

(4) The comprehensive state policy may include references to federal regulations and guidance documents, and the work group shall strive for a high degree of consistency between jurisdictions.

(5) The interagency work group shall provide a written report to the appropriate standing committees of the legislature by December 17, 2004, and December 16, 2005, that summarizes the actions of the work group

and its findings and recommendations, including any recommendations for legislation to amend statutes that are necessary to implement the state policy developed under this section or to adjust any inconsistent state policies.

Sec. 2. RCW 16.68.020 and 1949 c 100 s 2 are each amended to read as follows:

~~((Every))~~ (1) Except as provided by the department of agriculture in emergency rules adopted pursuant to section 3 of this act, a person owning or having in charge ~~((any))~~ an animal that has died or been killed on account of disease shall immediately bury the carcass ~~((thereof))~~ of the animal to such a depth that no part of the carcass shall be nearer than three feet from the surface of the ground.

(2) Any animal found dead shall be presumed to have died from and on account of disease.

NEW SECTION. Sec. 3. Until December 30, 2005, the department of agriculture may issue emergency rules for the disposal of diseased animal carcasses that are supplemental to, or contrary to, RCW 16.68.020, if the director of the department of agriculture deems that such rules are appropriate for the disposal of a large number of animals.

NEW SECTION. Sec. 4. This act expires December 30, 2005.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Appropriations.

February 24, 2004

SSB 6641 Prime Sponsor, Senate Committee On Natural Resources, Energy & Water: Reducing the risk of oil spills and spill damage. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended.

On page 3, line 30, after "effectively" insert ". The standards adopted by rule must be suitable to the specific environmental and operational conditions and characteristics of the facilities that are subject to the standards, and the department must consult with the United States coast guard with the objective of developing state standards that are compatible with federal requirements applicable to the activities covered by this section"

Signed by Representatives Cooper, Chairman; Uptegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Passed to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 3164 which was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 27, 2004, the 47th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE

FORTY SIXTH DAY, FEBRUARY 26, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 27, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rebekah Turner and Ben Cochrane. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Randy Thyberg, Grace Community Covenant Church, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 2004-4701, By Representatives Kenney, Chandler, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. G. Simpson Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods

WHEREAS, 150 years ago Governor Stevens proclaimed January 30, 1854, as the date for election of the first legislative assembly thus electing 9 members to the council and 17 members to the house of representatives; and

WHEREAS, 150 years ago today on February 27, 1854, 9 newly elected members of the council and 17 newly elected members of the house of representatives arrived in Olympia on foot, horseback, by canoe, or small boat to convene the very first legislative assembly on the second floor of the Parker-Coulter Dry Goods Store on Main Street; and

WHEREAS, We honor those pioneers who became landmark figures in the history of their respective communities and provided each with a notion of government based on fairness, the rule of law over the rule of man, and the best ideals of our nation at the time; and

WHEREAS, Many counties, cities, and historical organizations are currently celebrating Washington State's sesquicentennial;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives call on the people of the State of Washington to join us in recognizing and honoring its first lawmakers on this

day, February 27, 2004, the anniversary of the first convening of the Washington State Territorial Legislature.

HOUSE RESOLUTION NO. 4701 was adopted.

SPEAKER'S PRIVILEGE

Mr. Speaker (Representative Lovick presiding): "One hundred and fifty years ago today, the Washington State Territorial Legislature convened for the very first time a few blocks from where we sit today. The first official law passed by the nine members of the "council" and 17 members of the House of Representatives concerned elections -- defining procedures, precinct boundaries, and who could vote. At that time, suffrage was limited to "white male inhabitants over the age of twenty-one years." Very shortly after that, they passed "An Act to Establish a System of Common Schools" making public education available to children aged four through twenty-one.

Here we are today, 150 years later, forty nine members of the Senate and ninety-eight members of the House of Representatives, again working to define election procedures and improve public education.

Seems those visionaries identified right away the most enduring issues of our state. Please join me in honoring our first state lawmakers."

RESOLUTION

HOUSE RESOLUTION NO. 2004-4703, By Representatives Kristiansen and Pearson

WHEREAS, The British Columbia and Washington State governments share a border, have common natural resources, and geographic similarities; and

WHEREAS, British Columbia and Washington State often work together to achieve our mutual goals; and

WHEREAS, British Columbia and Washington State both recognize the importance and value of civic education, and as part of that responsibility both sponsor nationally renowned legislative internship programs; and

WHEREAS, Washington State undergraduate interns spend their winter quarter or spring semester working in Olympia with staff and members of the Washington State House of Representatives or Senate; and

WHEREAS, In addition to their office work, Washington interns participate in weekly academic seminars and workshops learning about representative democracy in a bicameral legislature; and

WHEREAS, The British Columbia Legislative Internship Program offers an opportunity to university graduates to supplement their academic training by participating in the daily workings of the Legislature; and

WHEREAS, Both British Columbia and Washington interns acquire skills and knowledge they can apply in their chosen careers and future life experiences that will further contribute to a greater public understanding and appreciation of government; and

WHEREAS, For the second year the British Columbia and Washington State legislative interns have participated in an exchange program to explore and learn about each other's history and governmental processes; and

WHEREAS, We welcome the British Columbia legislative interns to the Washington State Legislature and commend them for their numerous academic contributions;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the hard work and dedication of both Karen Aitken, the British Columbia Legislative Intern Program Director, and the British Columbia interns; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Karen Aitken and the 2004 British Columbia interns.

HOUSE RESOLUTION NO. 4703 was adopted.

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

REPORTS OF STANDING COMMITTEES

February 25, 2004

HB 2474 Prime Sponsor, Representative Murray: Making supplemental transportation appropriations.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke.

Passed to Committee on Rules for second reading.

February 25, 2004

HB 3205 Prime Sponsor, Representative Murray: Funding homeland security for transportation.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Bailey; Clibborn; Cooper; Dickerson; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Campbell; Kristiansen; Mielke and Schindler.

Passed to Committee on Rules for second reading.

February 25, 2004

E2SSB 5216 Prime Sponsor, Senate Committee on Children & Family Services & Corrections:
Revising forensic competency and sanity examinations. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 5373 Prime Sponsor, Senator Roach: Regulating actions on the validity of ballot measures.
Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 4.24 RCW to read as follows:

(1) No action may lie in a court of this state seeking a ruling on the constitutional validity of an initiative to the people, initiative to the legislature, referendum bill, referendum measure, constitutional amendment, city measure, county measure, charter amendment, county initiative, or city initiative before the certification of the election at which the voters enact, reject or approve the measure.

(2) An action will lie in a court of competent jurisdiction seeking review of a proposed measure described in subsection (1) of this section to determine whether a measure is beyond the scope of the initiative or referendum power or otherwise beyond the scope of authority for placing a measure onto the ballot except that no

action under this subsection may be commenced during the election period in order to provide for the orderly conduct of elections. The election period begins at the close of business of the fifth business day after the deadline for the filing of signature petitions and ends when the election results are certified under RCW 29A.60.260. A court may decline to hear such an action before the certification of the election based upon sound prudential concerns. Nothing contained in this subsection diminishes or enlarges the jurisdiction of any court of record having jurisdiction over the language or content contained in the ballot measure.

(3) Nothing in this section limits the jurisdiction of a court to resolve an error in election procedure that could only be corrected before the election. This section does not apply to an appeal of the language or content of a ballot title, summary, or explanatory statement as otherwise provided by law, nor to the procedure to appeal the secretary of state's decision to reject a petition under RCW 29A.72.180 and 29A.72.190, nor to the appeal process contained in RCW 29A.72.240."

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 25, 2004

ESSB 5428 Prime Sponsor, Senate Committee on Highways & Transportation: Allowing alternative means of renewing driver's licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Morris.

Passed to Committee on Rules for second reading.

February 25, 2004

ESSB 5665 Prime Sponsor, Senate Committee on Agriculture: Changing irrigation district administration provisions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 25, 2004

SSB 6107 Prime Sponsor, Senate Committee on Agriculture: Preventing the spread of animal diseases. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

On page 3, line 5, after "examinations." strike "Where disease or contamination is suspected" and insert "When the director has determined that there is probable cause that there is a serious risk from disease or contamination"

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 25, 2004

SSB 6108 Prime Sponsor, Senate Committee on Agriculture: Applying pesticides. Reported by
Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

On page 8, line 27, after "applicator" strike all material through "rule" on line 30 and insert "license shall be accompanied by a fee of twenty-five dollars; application for a limited private applicator license shall be accompanied by a fee of twenty-five dollars; and application for a rancher private applicator license shall be accompanied by a fee of seventy-five dollars"

On page 12, line 33, after "arsenic." strike all material through ", the" and insert "~~((In the case of a spray adjuvant))~~ The"

On page 12, line 37, after "~~named~~)" insert "for a spray adjuvant"

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 25, 2004

ESSB 6125 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Providing for alternate members of a water conservancy board. Reported by Committee on
Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6160 Prime Sponsor, Senate Committee on Health & Long-Term Care: Regarding fairness and accuracy in the distribution of risk in boarding homes and nursing homes. Reported by
Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that quality assurance efforts will promote compliance with regulations by providers and achieve the goal of providing high quality of care to citizens residing in licensed boarding homes, and may reduce property and liability insurance premium costs for such facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW to read as follows:

(1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-review, any boarding home licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:

- (a) A licensed registered nurse under chapter 18.79 RCW;
- (b) The administrator; and
- (c) Three other members from the staff of the boarding home.

(2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in the quality of care provided to residents.

(3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ombudsman program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:

- (a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and

(b) The records or reports are created for and collected and maintained by the committee.

(4) If the boarding home refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the boarding home has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the boarding home offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with boarding home requirements, the documents are not protected as quality assurance committee documents when in the possession of the department.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.

(6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against a boarding home.

(7) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any incident of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

Sec. 3. RCW 18.20.110 and 2003 c 280 s 1 are each amended to read as follows:

The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all boarding homes. However, the department may delay an inspection to twenty-four months if the boarding home has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed home to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (~~((other than financial records))~~), methods of administration, the general and special dietary, and the stores and methods of supply; however, the department shall not have access to financial records or to other records or reports described in section 2 of this act. Financial records of the boarding home may be examined when the department has reasonable cause to believe that a financial obligation related to resident care or services will not be met, such as a complaint that staff wages or utility costs have not been paid, or when necessary for the department to investigate alleged financial exploitation of a resident. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

NEW SECTION. Sec. 4. A new section is added to chapter 18.20 RCW to read as follows:

If during an inspection, reinspection, or complaint investigation by the department, a boarding home corrects a violation or deficiency that the department discovers, the department shall record and consider such violation or deficiency for purposes of the facility's compliance history, however the licensor or complaint investigator shall not include in the facility report the violation or deficiency if the violation or deficiency:

- (1) Is corrected to the satisfaction of the department prior to the exit conference;
- (2) Is not recurring; and
- (3) Did not pose a significant risk of harm or actual harm to a resident.

For the purposes of this section, "recurring" means that the violation or deficiency was found under the same regulation or statute in one of the two most recent preceding inspections, reinspections, or complaint investigations.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 25, 2004

SB 6177 Prime Sponsor, Senator Eide: Increasing penalties for criminal impersonation. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6225 Prime Sponsor, Senate Committee on Health & Long-Term Care: Concerning boarding home domiciliary services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.20.020 and 2003 c 231 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing ~~((board and))~~ housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this act, to seven or more residents after July 1, 2000. However, a boarding home that is licensed ~~((to provide board and domiciliary care to))~~ for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(2) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((3))~~ (4) "Secretary" means the secretary of social and health services.

~~((4))~~ (5) "Department" means the state department of social and health services.

~~((5))~~ (6) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home, if there is no legal representative. The resident's competence shall be determined using the criteria in RCW 11.88.010(1)(e). The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(7) "Domiciliary care" means: Assistance with activities of daily living provided by the boarding home either directly or indirectly; or ~~((assuming general responsibility for the safety and well-being of the resident))~~ health support services, if provided directly or indirectly by the boarding home; or intermittent nursing services, if provided directly or indirectly by the boarding home. ~~(("Domiciliary care" does not include general observation or preadmission assessment for the purposes of transitioning to a licensed care setting.~~

~~((6))~~ (8) "General responsibility for the safety and well-being of the resident" means the provision of the following: General low sodium diets; general diabetic diets; mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with section 10 of this act; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

~~((General responsibility for the safety and well-being of the resident" does not include: (a) Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; or (b) services customarily provided under landlord tenant agreements governed by the residential landlord tenant act, chapter 59.18 RCW. Such services do not include care or supervision.~~

~~((7))~~ (9) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated

with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident.

(10) "Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in RCW 18.20.030(5), but may not receive domiciliary care, as defined in this chapter, directly or indirectly by the facility.

(11) "Resident" means an individual who(~~(: Lives in a boarding home, including those receiving respite care(;~~) is not related by blood or marriage to the operator of the boarding home(~~(;~~), and by reason of age or disability, (~~(receives)~~) chooses to reside in the boarding home and receives one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided (~~(either)~~) directly or indirectly by the boarding home and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under section 10 of this act.

(12) "Resident applicant" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW to read as follows:

(1) A boarding home, licensed under this chapter, may provide domiciliary care services, as defined in this chapter, and shall disclose the scope of care and services that it chooses to provide.

(2) The boarding home licensee shall disclose to the residents, the residents' legal representative if any, and if not, the residents' representative if any, and to interested consumers upon request, the scope of care and services offered, using the form developed and provided by the department, in addition to any supplemental information that may be provided by the licensee. The form that the department develops shall be standardized, reasonable in length, and easy to read. The boarding home's disclosure statement shall indicate the scope of domiciliary care assistance provided and shall indicate that it permits the resident or the resident's legal representative to independently arrange for outside services under section 10 of this act.

(3)(a) If the boarding home licensee decreases the scope of services that it provides, the licensee shall provide a minimum of thirty days' written notice to the residents, the residents' legal representative if any, and if not, the residents' representative if any, before the effective date of the decrease in the scope of care or services provided.

(b) If the licensee voluntarily decreases the scope of services, and any such decrease in the scope of services provided will result in the discharge of one or more residents, then ninety days' written notice shall be provided prior to the effective date of the decrease. Notice shall be provided to the affected residents, the residents' legal representative if any, and if not, the residents' representative if any.

(c) If the boarding home licensee increases the scope of services that it chooses to provide, the licensee shall promptly provide written notice to the residents, the residents' legal representative if any, and if not, the residents' representative if any, and shall indicate the date on which the increase in the scope of care or services is effective.

(4) When the care needs of a resident exceed the disclosed scope of care or services that a boarding home licensee provides, the licensee may exceed the care or services disclosed consistent with RCW 70.129.030(3) and RCW 70.129.110(3)(a). Providing care or services to a resident that exceed the care and services disclosed may or may not mean that the provider is capable of or required to provide the same care or services to other residents.

(5) Even though the boarding home licensee may disclose that it can provide certain care or services to resident applicants or to their legal representative if any, and if not, to the resident applicants' representative if any, the licensee may deny admission to a resident applicant when the licensee determines that the needs of the resident applicant cannot be met, as long as the provider operates in compliance with state and federal law, including RCW 70.129.030(3).

(6) The disclosure form is intended to assist consumers in selecting boarding home services and, therefore, shall not be construed as an implied or express contract between the boarding home licensee and the resident.

NEW SECTION. Sec. 3. A new section is added to chapter 18.20 RCW to read as follows:

(1) Boarding homes are not required to provide assistance with one or more activities of daily living.

(2) If a boarding home licensee chooses to provide assistance with activities of daily living, the licensee shall provide the minimal level of assistance consistent with subsection (3) of this section and consistent with the reasonable accommodation requirements in state or federal laws. Activities of daily living are limited to and include the following:

- (a) Bathing;
- (b) Dressing;
- (c) Eating;
- (d) Personal hygiene;

- (e) Transferring;
- (f) Toileting; and
- (g) Ambulation and mobility.

(3) The department shall, in rule, define the minimum level of assistance that will be provided for all activities of daily living, however, such rules shall not require more than occasional stand-by assistance or more than occasional physical assistance, or more than occasional stand-by physical assistance and more than occasional physical assistance.

(4) The licensee shall clarify, through the disclosure form, the assistance with activities of daily living that may be provided, and any limitations or conditions that may apply. The licensee shall also clarify through the disclosure form any additional services that may be provided.

(5) In providing assistance with activities of daily living, the boarding home shall observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

NEW SECTION. Sec. 4. A new section is added to chapter 18.20 RCW to read as follows:

(1) The boarding home licensee may choose to provide any of the following health support services, however, the facility may or may not need to provide additional health support services to comply with the reasonable accommodation requirements in federal or state law:

- (a) Blood glucose testing;
- (b) Puree diets;
- (c) Calorie controlled diabetic diets;
- (d) Dementia care;
- (e) Mental health care; and
- (f) Developmental disabilities care.

(2) The licensee shall clarify on the disclosure form any limitations, additional services, or conditions that may apply.

(3) In providing health support services, the boarding home shall observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

NEW SECTION. Sec. 5. A new section is added to chapter 18.20 RCW to read as follows:

(1) Boarding homes are not required to provide intermittent nursing services. The boarding home licensee may choose to provide any of the following intermittent nursing services through appropriately licensed and credentialed staff, however, the facility may or may not need to provide additional intermittent nursing services to comply with the reasonable accommodation requirements in federal or state law:

- (a) Medication administration;
- (b) Administration of health care treatments;
- (c) Diabetic management;
- (d) Nonroutine ostomy care;
- (e) Tube feeding; and
- (f) Nurse delegation consistent with chapter 18.79 RCW.

(2) The licensee shall clarify on the disclosure form any limitations, additional services, or conditions that may apply under this section.

(3) In providing intermittent nursing services, the boarding home shall observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

(4) The boarding home may provide intermittent nursing services to the extent permitted by RCW 18.20.160.

NEW SECTION. Sec. 6. A new section is added to chapter 18.20 RCW to read as follows:

(1) A boarding home licensee may permit a resident's family member to administer medications or treatments or to provide medication or treatment assistance to the resident. The licensee shall disclose to the department, residents, the residents' legal representative if any, and if not, the residents' representative if any, and to interested consumers upon request, information describing whether the licensee permits such family administration or assistance and, if so, the extent of limitations or conditions thereof.

(2) If a boarding home licensee permits a resident's family member to administer medications or treatments or to provide medication or treatment assistance, the licensee shall request that the family member submit to the licensee a written medication or treatment plan. At a minimum, the written medication or treatment plan shall identify:

(a) By name, the family member who will administer the medication or treatment or provide assistance therewith;

(b) The medication or treatment administration or assistance that the family member will provide consistent with subsection (1) of this section. This will be referred to as the primary plan;

(c) An alternate plan that will meet the resident's medication or treatment needs if the family member is unable to fulfill his or her duties as specified in the primary plan; and

(d) An emergency contact person and telephone number if the boarding home licensee observes changes in the resident's overall functioning or condition that may relate to the medication or treatment plan.

(3) The boarding home licensee may require that the primary or alternate medication or treatment plan include other information in addition to that specified in subsection (2) of this section.

(4) The medication or treatment plan shall be signed and dated by:

(a) The resident, if able;

(b) The resident's legal representative, if any, and, if not, the resident's representative, if any;

(c) The resident's family member; and

(d) The boarding home licensee.

(5) The boarding home may through policy or procedure require the resident's family member to immediately notify the boarding home licensee of any change in the primary or alternate medication or treatment plan.

(6) When a boarding home licensee permits residents' family members to assist with or administer medications or treatments, the licensee's duty of care, and any negligence that may be attributed thereto, shall be limited to: Observation of the resident for changes in overall functioning consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition, or when the boarding home is aware that both the primary and alternate plan are not implemented; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

NEW SECTION. Sec. 7. A new section is added to chapter 18.20 RCW to read as follows:

(1) The boarding home licensee shall conduct a preadmission assessment for each resident applicant.

The preadmission assessment shall include the following information, unless unavailable despite the best efforts of the licensee:

(a) Medical history;

(b) Necessary and contraindicated medications;

(c) A licensed medical or health professional's diagnosis, unless the individual objects for religious reasons;

(d) Significant known behaviors or symptoms that may cause concern or require special care;

(e) Mental illness diagnosis, except where protected by confidentiality laws;

(f) Level of personal care needs;

(g) Activities and service preferences; and

(h) Preferences regarding other issues important to the resident applicant, such as food and daily routine.

(2) The boarding home licensee shall complete the preadmission assessment before admission unless there is an emergency. If there is an emergency admission, the preadmission assessment shall be completed within five days of the date of admission. For purposes of this section, "emergency" includes, but is not limited to: Evening, weekend, or Friday afternoon admissions if the resident applicant would otherwise need to remain in an unsafe setting or be without adequate and safe housing.

(3) The boarding home licensee shall complete an initial resident service plan upon move-in to identify the resident's immediate needs and to provide direction to staff and caregivers relating to the resident's immediate needs. The initial resident service plan shall include as much information as can be obtained, under subsection (1) of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 18.20 RCW to read as follows:

(1) The boarding home licensee shall within fourteen days of the resident's date of move-in, unless extended by the department for good cause, and thereafter at least annually, complete a full reassessment addressing the following:

(a) The individual's recent medical history, including, but not limited to: A health professional's diagnosis, unless the resident objects for religious reasons; chronic, current, and potential skin conditions; known allergies to foods or medications; or other considerations for providing care or services;

(b) Current necessary and contraindicated medications and treatments for the individual, including:

(i) Any prescribed medications and over-the-counter medications that are commonly taken by the individual, and that the individual is able to independently self-administer or safely and accurately direct others to administer to him or her;

(ii) Any prescribed medications and over-the-counter medications that are commonly taken by the individual and that the individual is able to self-administer when he or she has the assistance of a resident-care staff person; and

(iii) Any prescribed medications and over-the-counter medications that are commonly taken by the individual and that the individual is not able to self-administer;

(c) The individual's nursing needs when the individual requires the services of a nurse on the boarding home premises;

- (d) The individual's sensory abilities, including vision and hearing;
 - (e) The individual's communication abilities, including modes of expression, ability to make himself or herself understood, and ability to understand others;
 - (f) Significant known behaviors or symptoms of the individual causing concern or requiring special care, including: History of substance abuse; history of harming self, others, or property, or other conditions that may require behavioral intervention strategies; the individual's ability to leave the boarding home unsupervised; and other safety considerations that may pose a danger to the individual or others, such as use of medical devices or the individual's ability to smoke unsupervised, if smoking is permitted in the boarding home;
 - (g) The individual's special needs, by evaluating available information, or selecting and using an appropriate tool to determine the presence of symptoms consistent with, and implications for care and services of: Mental illness, or needs for psychological or mental health services, except where protected by confidentiality laws; developmental disability; dementia; or other conditions affecting cognition, such as traumatic brain injury;
 - (h) The individual's level of personal care needs, including: Ability to perform activities of daily living; medication management ability, including the individual's ability to obtain and appropriately use over-the-counter medications; and how the individual will obtain prescribed medications for use in the boarding home;
 - (i) The individual's activities, typical daily routines, habits, and service preferences;
 - (j) The individual's personal identity and lifestyle, to the extent the individual is willing to share the information, and the manner in which they are expressed, including preferences regarding food, community contacts, hobbies, spiritual preferences, or other sources of pleasure and comfort; and
 - (k) Who has decision-making authority for the individual, including: The presence of any advance directive, or other legal document that will establish a substitute decision maker in the future; the presence of any legal document that establishes a current substitute decision maker; and the scope of decision-making authority of any substitute decision maker.
- (2) Complete a limited assessment of a resident's change of condition when the resident's negotiated service agreement no longer addresses the resident's current needs.

NEW SECTION. Sec. 9. A new section is added to chapter 18.20 RCW to read as follows:

- (1) The boarding home licensee shall complete a negotiated service agreement using the preadmission assessment, initial resident service plan, and full reassessment information obtained under sections 7 and 8 of this act. The licensee shall include the resident and the resident's legal representative if any, or the resident's representative if any, in the development of the negotiated service agreement. If the resident is a medicaid client, the department's case manager shall also be involved.
- (2) The negotiated service agreement shall be completed or updated:
 - (a) Within thirty days of the date of move-in;
 - (b) As necessary following the annual full assessment of the resident; and
 - (c) Whenever the resident's negotiated service agreement no longer adequately addresses the resident's current needs and preferences.

NEW SECTION. Sec. 10. A new section is added to chapter 18.20 RCW to read as follows:

- (1) The boarding home licensee shall permit the resident, or the resident's legal representative if any, to independently arrange for or contract with a practitioner licensed under Title 18 RCW regulating health care professions, or a home health, hospice, or home care agency licensed under chapter 70.127 RCW, to provide on-site care and services to the resident, consistent with RCW 18.20.160 and chapter 70.129 RCW.
- (2) The boarding home licensee may establish policies and procedures that describe limitations, conditions, or requirements that must be met prior to an outside service provider being allowed on-site.
- (3) When the resident or the resident's legal representative independently arranges for outside services under subsection (1) of this section, the licensee's duty of care, and any negligence that may be attributed thereto, shall be limited to: The responsibilities described under subsection (4) of this section, excluding supervising the activities of the outside service provider; observation of the resident for changes in overall functioning, consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.
- (4) Consistent with RCW 18.20.280, the boarding home licensee shall not be responsible for supervising the activities of the outside service provider. When information sharing is authorized by the resident or the resident's legal representative, the licensee shall request such information and integrate relevant information from the outside service provider into the resident's negotiated service agreement, only to the extent that such information is actually shared with the licensee.

NEW SECTION. Sec. 11. A new section is added to chapter 18.20 RCW to read as follows:

By December 12, 2005, the department shall report on the payment system for licensed boarding homes to the chairs of the senate and house of representatives health care committees. The department shall include in the report findings regarding the average costs of providing care and services for the nonmetropolitan statistical

areas, metropolitan statistical areas, and King county to determine whether the rates of payment within the designated areas are, on average, reasonably related to the identified average costs. The cost data is exempt from disclosure as provided in section 16 of this act. The purpose of this cost-to-rate comparison study is to assess any cost impacts that may be attributed to the implementation of new boarding home rules occurring between September 1, 2004, and June 30, 2005. If the department adopts new boarding home rules after June 30, 2005, the report to the chairs of the senate and house of representatives health care committees will instead be due by December 12, 2006.

Sec. 12. RCW 18.20.160 and 1985 c 297 s 2 are each amended to read as follows:

No person operating a boarding home licensed under this chapter shall admit to or retain in the boarding home any aged person requiring nursing or medical care of a type provided by institutions licensed under chapters 18.51, 70.41 or 71.12 RCW, except that when registered nurses are available, and upon a doctor's order that a supervised medication service is needed, it may be provided. Supervised medication services, as defined by the department and consistent with chapters 69.41 and 18.79 RCW, may include an approved program of self-medication or self-directed medication. Such medication service shall be provided only to ~~((boarders))~~ residents who otherwise meet all requirements for residency in a boarding home. No boarding home shall admit or retain a person who requires the frequent presence and frequent evaluation of a registered nurse, excluding persons who are receiving hospice care or persons who have a short-term illness that is expected to be resolved within fourteen days.

Sec. 13. RCW 18.20.290 and 2003 c 231 s 11 are each amended to read as follows:

(1) When a boarding home contracts with the department to provide adult residential care services, enhanced adult residential care services, or assisted living services under chapter 74.39A RCW, the boarding home must hold a medicaid eligible resident's room or unit when short-term care is needed in a nursing home or hospital, the resident is likely to return to the boarding home, and payment is made under subsection (2) of this section.

(2) The medicaid resident's bed or unit shall be held for up to twenty days. The per day bed or unit hold compensation amount shall be seventy percent of the daily rate paid for the first seven days the bed or unit is held for the resident who needs short-term nursing home care or hospitalization. The rate for the eighth through the twentieth day a bed is held shall be established in rule, but shall be no lower than ten dollars per day the bed or unit is held.

(3) The boarding home may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed ~~((eighty five percent of))~~ ~~((average))~~ medicaid daily rate paid to the facility for the resident. If third-party payment is not available, the medicaid resident may return to the first available and appropriate bed or unit, if the resident continues to meet the admission criteria under this chapter.

(4) The department shall monitor the use and impact of the policy established under this section and shall report its findings to the appropriate committees of the senate and house of representatives by December 31, 2005.

(5) This section expires June 30, 2006.

Sec. 14. RCW 74.39A.009 and 1997 c 392 s 103 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(6) "Department" means the department of social and health services.

(7) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

(8) "Functionally disabled person" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, including chemical dependency, is

impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(9) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

(10) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

(11) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(12) "Secretary" means the secretary of social and health services.

(13) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

Sec. 15. RCW 74.39A.020 and 1995 1st sp.s. c 18 s 15 are each amended to read as follows:

(1) To the extent of available funding, the department of social and health services may contract for adult residential care (~~(and enhanced adult residential care)~~).

(2) The department shall, by rule, develop terms and conditions for facilities that contract with the department for adult residential care (~~(and enhanced adult residential care)~~) to establish:

(a) Facility service standards consistent with the principles in RCW 74.39A.050 and consistent with chapter 70.129 RCW; and

(b) Training requirements for providers and their staff.

(3) The department shall, by rule, provide that services in adult residential care (~~(and enhanced adult residential care)~~) facilities:

(a) Recognize individual needs, privacy, and autonomy;

(b) Include personal care (~~(and limited nursing services)~~) and other services that promote independence and self-sufficiency and aging in place;

(c) Are directed first to those persons most likely, in the absence of adult residential care (~~(and enhanced adult residential care)~~) services, to need hospital, nursing facility, or other out-of-home placement; and

(d) Are provided in compliance with applicable facility and professional licensing laws and rules.

(4) When a facility contracts with the department for adult residential care (~~(and enhanced adult residential care)~~), only services and facility standards that are provided to or in behalf of the adult residential care (~~(or the enhanced adult residential care)~~) client shall be subject to the adult residential care (~~(or enhanced adult residential care)~~) rules.

(5) To the extent of available funding, the department may also contract under this section with a tribally licensed boarding home for the provision of services of the same nature as the services provided by adult residential care facilities. The provisions of subsections (2)(a) and (b) and (3)(a) through (d) of this section apply to such a contract.

NEW SECTION. Sec. 16. A new section is added to chapter 42.17 RCW to read as follows:

Data collected by the department of social and health services for the reports required by section 11 of this act and section 8, chapter 231, Laws of 2003, except as compiled in the aggregate and reported to the senate and house of representatives, is exempt from disclosure under this chapter.

Sec. 17. RCW 18.20.030 and 2003 c 231 s 3 are each amended to read as follows:

(1) After January 1, 1958, no person shall operate or maintain a boarding home as defined in this chapter within this state without a license under this chapter.

(2) A boarding home license is not required for the housing, or services, that are customarily provided under landlord tenant agreements governed by the residential landlord-tenant act, chapter 59.18 RCW, or when housing nonresident individuals who, without ongoing assistance from the boarding home, initiate and arrange for services provided by persons other than the boarding home licensee or the licensee's contractor. This subsection does not prohibit the licensee from furnishing written information concerning available community resources to the nonresident individual or the individual's family members or legal representatives. The licensee may not require the use of any particular service provider.

(3) Residents receiving domiciliary care, directly or indirectly by the boarding home, are not considered nonresident individuals for the purposes of this section.

(4) A boarding home license is required when any person other than an outside service provider, under section 10 of this act, or family member:

- (a) Assumes general responsibility for the safety and well-being of a resident;
- (b) Provides assistance with activities of daily living, either directly or indirectly;
- (c) Provides health support services, either directly or indirectly; or
- (d) Provides intermittent nursing services, either directly or indirectly.

(5) A boarding home license is not required for ~~((emergency assistance when that emergency assistance is not provided on a frequent or routine basis to any one nonresident individual and the nonresident individual resides in independent senior housing, independent living units in continuing care retirement communities, independent living units having common ownership with a licensed boarding home, or other similar living situations including those subsidized by the department of housing and urban development))~~ one or more of the following services that may be provided to a nonresident individual: (a) Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; (b) systems employed by independent senior housing, or independent living units in continuing care retirement communities, to respond to the potential need for emergency services for nonresident individuals; (c) infrequent, voluntary, and nonscheduled blood pressure checks for nonresident individuals; (d) nurse referral services provided at the request of a nonresident individual to determine whether referral to an outside health care provider is recommended; (e) making health care appointments at the request of nonresident individuals; (f) preadmission assessment, at the request of the nonresident individual, for the purposes of transitioning to a licensed care setting; or (g) services customarily provided under landlord tenant agreements governed by the residential landlord-tenant act, chapter 59.18 RCW. The preceding services may not include continual care or supervision of a nonresident individual without a boarding home license.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except that sections 1 through 10 and 12 of this act take effect September 1, 2004.

NEW SECTION. Sec. 19. The department of social and health services shall adopt rules by September 1, 2004, for the implementation of sections 1 through 10 and 12 of this act."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.20.020, 18.20.160, 18.20.290, 74.39A.009, 74.39A.020, and 18.20.030; adding new sections to chapter 18.20 RCW; adding a new section to chapter 42.17 RCW; creating a new section; providing an effective date; and declaring an emergency."

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 25, 2004

ESSB 6256 Prime Sponsor, Senate Committee on Children & Family Services & Corrections:
Authorizing collection of offenders' palmprints. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman; Kagi.

Referred to Committee on Appropriations.

February 26, 2004

SSB 6265 Prime Sponsor, Senate Committee on Land Use & Planning: Improving the efficiency of the permitting process when multiple agencies are involved. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6314 Prime Sponsor, Senator T. Sheldon: Expanding membership on the community economic revitalization board. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.160.020 and 1999 c 164 s 102 are each amended to read as follows:
Unless the context clearly requires otherwise, the definitions in this section apply throughout this

chapter.

- (1) "Board" means the community economic revitalization board.
- (2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.
- (3) "Department" means the department of community, trade, and economic development.
- (4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.
- (5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.
- (6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.
- (7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.
- (8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.
- (9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.
- (10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.
- (11) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.
- (12) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.
- (13) "Rural natural resources impact area" means:
 - (a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;
 - (b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or
 - (c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.
- (14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:
 - (a) A lumber and wood products employment location quotient at or above the state average;
 - (b) A commercial salmon fishing employment location quotient at or above the state average;
 - (c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;
 - (d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more;and
 - (e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is

available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

Sec. 2. RCW 43.160.030 and 2003 c 151 s 1 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

Sec. 3. RCW 43.160.060 and 2002 c 242 s 4 and 2002 c 239 s 1 are each reenacted and amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, at least ten percent of all financial assistance provided by the board in any biennium shall consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(d) For a project the primary purpose of which is to facilitate or promote gambling.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support

recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located; and

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 4. RCW 43.160.200 and 1999 c 164 s 107 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(5) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state and federally recognized Indian tribes in rural natural resources impact areas and rural counties.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government or federally recognized Indian tribe. Industrial projects must be approved by the local government and the associate development organization, or by the federally recognized Indian tribe.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility(~~(f-f)~~), and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed fifty thousand dollars per study. Board funds for these purposes may be provided as a grant and require a match.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe.

(9) The board shall develop guidelines for allowable local match and planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an

analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose."

Correct the title.

Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Blake; Chase; McCoy; Ormsby and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Condotta; Kristiansen; Priest and Rodne.

Passed to Committee on Rules for second reading.

February 25, 2004

SB 6338 Prime Sponsor, Senator Johnson: Creating an affirmative defense from theft and possession of stolen merchandise pallets. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 6352 Prime Sponsor, Senate Committee on Children & Family Services & Corrections: Revising provisions concerning selection of telephone calling systems for offenders in state correctional facilities. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6419 Prime Sponsor, Senate Committee on Government Operations & Elections: Implementing the Help America Vote Act. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

**"PART I
STATEWIDE VOTER REGISTRATION DATA BASE**

NEW SECTION. Sec. 101. (1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, and the department of health.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections data base to aid in the cancellation of voter registration of felons;

(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;

(g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

(h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.

Sec. 102. RCW 29A.08.010 and 2003 c 111 s 201 are each amended to read as follows:

As used in this chapter: "Information required for voter registration" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes the applicant's name, complete residence address, date of birth, ~~((and))~~ Washington state driver's license number, Washington state identification card, or the last four digits of the applicant's social security number, a signature attesting to the truth of the information provided on the application, and a check or indication in the box confirming the individual is a United States citizen. If the individual does not have a driver's license or social security number the registrant must be issued a unique voter registration number and placed on the voter registration rolls. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote. Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 103. RCW 29A.08.020 and 2003 c 111 s 204 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "By mail" means delivery of a completed original voter registration application by mail ~~((or by personal delivery))~~ to the office of the secretary of state.

(2) For voter registration applicants, "date of mailing" means the date of the postal cancellation on the voter registration application. This date will also be used as the date of application for the purpose of meeting the registration cutoff deadline. If the postal cancellation date is illegible then the date of receipt by the elections official is considered the date of application. If an application is received by the elections official by the close of business on the fifth day after the cutoff date for voter registration and the postal cancellation date is illegible, the application will be considered to have arrived by the cutoff date for voter registration.

Sec. 104. RCW 29A.08.030 and 2003 c 111 s 203 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed so that the voter may update his or her current residence address.

Sec. 105. RCW 29A.08.105 and 2003 c 111 s 205 are each amended to read as follows:

(1) In compliance with the Help America Vote Act (P.L. 107-252), the centralized statewide voter registration list maintained by the secretary of state is the official list of eligible voters for all elections.

(2) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. The auditor may appoint registration assistants to assist in registering persons residing in the county. Each registration assistant holds office at the pleasure of the county auditor and must be a registered voter.

~~((2) The county auditor shall be the custodian of the official registration records of the county.))~~

(3) The county auditor shall ensure that mail-in voter registration application forms are readily available to the public at locations to include but not limited to the elections office, and all common schools, fire stations, and public libraries.

NEW SECTION. Sec. 106. (1) The secretary of state must review the information provided by each voter registration applicant to ensure that either the driver's license number or the last four digits of the social security number match the information maintained by the Washington department of licensing or the social security administration. If a match cannot be made the secretary of state must correspond with the applicant to resolve the discrepancy.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application, within thirty days the secretary of state shall forward the application to the appropriate county auditor for document storage.

(3) Only after the secretary of state has confirmed that an applicant's driver's license number or the last four digits of the applicant's social security number match existing records with the Washington department of licensing or the social security administration or determined that the applicant does not have either a driver's license number or social security number may the applicant be placed on the official list of registered voters.

Sec. 107. RCW 29A.08.110 and 2003 c 111 s 206 are each amended to read as follows:

(1) On receipt of an application for voter registration (~~under this chapter~~), the county auditor shall review the application to determine whether the information supplied is complete. An application (~~that~~) is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided (~~on the application is complete~~) and an indication the license information or social security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant or is returned as undeliverable the auditor shall not place the name of the applicant on the county voter list. If the applicant provides the required verified information, the applicant shall be registered to vote as of the date of mailing of the original voter registration application.

(2) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing. If the new information indicates that the voter remains in the same county of residence or if the applicant is a new voter the application must be processed by the county of residence.

(3) If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the date of mailing. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. (~~If the applicant has indicated that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county.))~~ If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

~~((3))~~ (4) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

Sec. 108. RCW 29A.08.115 and 2003 c 111 s 207 are each amended to read as follows:

~~((Every registration assistant shall keep registration supplies at his or her usual place of residence or usual place of business.))~~ A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a designee at least once weekly.

Sec. 109. RCW 29A.08.120 and 2003 c 111 s 208 are each amended to read as follows:
Any elector of this state may register to vote by mail under this ~~((chapter))~~ title.

Sec. 110. RCW 29A.08.125 and 2003 c 111 s 209 are each amended to read as follows:
Each county auditor shall maintain a computer file containing ~~((the records))~~ a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county. ~~((The auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW.))~~ The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain ~~((at least the last five))~~ all such consecutive dates. ~~((If the voter has not voted at least five times since establishing his or her current registration record, only the available dates will be included.))~~

Sec. 111. RCW 29A.08.135 and 2003 c 111 s 211 are each amended to read as follows:
The county auditor shall acknowledge each new voter registration or transfer by providing or sending the voter a card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state. When a person who has previously registered to vote in ~~((a jurisdiction))~~ another state applies for voter registration ~~((in a new jurisdiction))~~, the person shall provide on the registration form, all information needed to cancel any previous registration. ~~((The county auditor shall forward any information pertaining to the voter's prior voter registration to the county where the voter was previously registered, so that registration may be canceled. If the prior voter registration is in another state, the))~~ Notification must be made to the state elections office of ((that)) the applicant's previous state of registration. A county auditor receiving official information that a voter has registered to vote in another ~~((jurisdiction))~~ state shall immediately cancel that voter's registration on the official state voter registration list.

Sec. 112. RCW 29A.08.140 and 2003 c 111 s 212 are each amended to read as follows:
The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.
The county auditor shall give notice of the closing of the precinct files for original registration and transfer and notice of the special registration and voting procedure provided by RCW 29A.08.145 by one publication in a newspaper of general circulation in the county at least five days before the closing of the precinct files.

No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election and appears on the official statewide voter registration list. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under RCW 29A.08.145.

Sec. 113. RCW 29A.08.145 and 2003 c 111 s 213 are each amended to read as follows:
This section establishes a special procedure which an elector may use to register to vote or transfer a voter registration by changing his or her address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the ~~((county))~~ state may register to vote or change his or her registration address in person in the office of the county auditor or at a voter registration location specifically designated for this purpose by the county auditor of the county in which the applicant resides, and apply for an absentee ballot for that primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered or transferred voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

Sec. 114. RCW 29A.08.155 and 2003 c 111 s 215 are each amended to read as follows:
To compensate counties with fewer than ten thousand registered voters at the time of the most recent state general election for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems, the secretary of state shall, in June of each year, pay such counties an amount equal to ~~((thirty cents))~~ one dollar for each registered voter in the county at the time of the most recent state

general election, as long as funds provided for elections by the Help America Vote Act of 2002 (P.L. 107-252) are available.

Sec. 115. RCW 29A.08.220 and 2003 c 111 s 217 are each amended to read as follows:

(1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than his or her signature no more than one time. These applications shall also contain information for the voter to transfer his or her registration.

Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

~~(2) ((The secretary of state shall adopt by rule a uniform data format for transferring voter registration records on machine readable media.~~

~~(3)) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.~~

~~((4) The secretary of state shall produce and distribute any instructional material and other supplies needed to implement RCW 29A.08.340 and 46.20.155.~~

~~(5) Any notice or statement that must be provided under the National Voter Registration Act of 1993 (P.L. 103-31) to prospective registrants concerning registering to vote in federal elections shall also be provided to prospective registrants concerning registering to vote under this title in state and local elections as well as federal elections.)~~

Sec. 116. RCW 29A.08.240 and 2003 c 111 s 219 are each amended to read as follows:

(1) Until January 1, 2006, at the time of registering, a voter shall sign his or her name upon a signature card to be transmitted to the secretary of state. The voter shall also provide his or her first name followed by the last name or names and the name of the county in which he or she is registered. Once each week the county auditor shall transmit all such cards to the secretary of state. The secretary of state may exempt a county auditor who is providing electronic voter registration and electronic voter signature information to the secretary of state from the requirements of this section.

(2) This section expires January 1, 2006.

Sec. 117. RCW 29A.08.250 and 2003 c 111 s 220 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. All voter registration forms must include clear and conspicuous language, designed to draw an applicant's attention, stating that the applicant must be a United States citizen in order to register to vote. Voter registration application forms must also contain a space for the applicant to provide his or her driver's license number or the last four digits of his or her social security number as well as check boxes intended to allow the voter to indicate age and United States citizenship eligibility under the Help America Vote Act of 2002 (P.L. 107-252).

Sec. 118. RCW 29A.08.260 and 2003 c 111 s 221 are each amended to read as follows:

The county auditor shall distribute forms by which a person may register to vote by mail and ~~((cancel))~~ transfer any previous registration in this state. The county auditor shall keep a supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

Sec. 119. RCW 29A.08.320 and 2003 c 111 s 223 are each amended to read as follows:

(1) A person may register to vote or transfer a voter registration when he or she applies for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW ~~((29.07.420))~~ 29A.08.310.

(2) A prospective applicant shall initially be offered a form ~~((adopted))~~ approved by the secretary of state ~~((that is))~~ designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to indicate that he or she declines to register.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

Sec. 120. RCW 29A.08.350 and 2003 c 111 s 226 are each amended to read as follows:

(1) The secretary of state shall provide for the voter registration forms submitted under RCW 29A.08.340 to be collected from each driver's licensing facility within five days of their completion.

(2) The department of licensing shall produce and transmit to the secretary of state a machine-readable file containing the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility during each period for which forms are transmitted under subsection (1) of this section: The name, address, date of birth, gender of the applicant, the driver's license number, the date on which the application for voter registration or transfer was submitted, and the location of the office at which the application was submitted.

(3) The voter registration forms from the driver's licensing facilities must be forwarded to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were to be collected.

(4) For a voter registration application where the address for voting purposes is different from the address in the machine-readable file received from the department of licensing, the secretary of state shall amend the record of that application in the machine-readable file to reflect the county in which the applicant has registered to vote.

(5) The secretary of state shall sort the records in the machine-readable file according to the county in which the applicant registered to vote and produce a file of voter registration transactions for each county. The records of each county may be transmitted on or through whatever medium the county auditor determines will best facilitate the incorporation of these records into the existing voter registration files of that county.

(6) The secretary of state shall produce a list of voter registration transactions for each county and transmit a copy of this list to that county with each file of voter registration transactions no later than ten days after the date on which that information was to be transmitted under subsection (1) of this section.

~~((7) If a registrant has indicated on the voter registration application form that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.))~~

Sec. 121. RCW 29A.08.360 and 2003 c 111 s 227 are each amended to read as follows:

(1) The department of licensing shall provide information on all persons changing their address on change of address forms submitted to the department unless the voter has indicated that the address change is not for voting purposes. This information will be transmitted to the secretary of state each week in a machine-readable file containing the following information on persons changing their address: The name, address, date of birth, gender of the applicant, the applicant's driver's license number, the applicant's former address, the county code for the applicant's former address, and the date that the request for address change was received.

(2) The secretary of state shall forward this information to the appropriate county each week. When the information indicates that the voter has moved ~~((within the county))~~, the county auditor shall use the change of address information to transfer the voter's registration and send the voter an acknowledgement notice of the transfer. ~~((If the information indicates that the new address is outside the voter's original county, the county auditor shall send the voter a registration by mail form at the voter's new address and advise the voter of the need to reregister in the new county. The auditor shall then place the voter on inactive status.))~~

Sec. 122. RCW 29A.08.420 and 2003 c 111 s 229 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county ~~((, shall be required to register anew. The voter shall sign an authorization to cancel his or her current registration. An authorization to cancel a voter's registration must be forwarded promptly to the county auditor of the county in which the voter was previously registered))~~ must do so in writing using a prescribed voter registration form. The county auditor of the voter's new county ~~((where the previous registration was made shall cancel the registration of the voter if it appears that the signatures in the registration record and on the cancellation authorization form were made by the same person))~~ shall transfer the voter's registration from the county of the previous registration.

Sec. 123. RCW 29A.08.430 and 2003 c 111 s 230 are each amended to read as follows:

(1) A person who is registered to vote in this state may transfer his or her voter registration on the day of a special or general election or primary under the following procedures:

(a) The voter may complete, at the polling place, a voter registration (~~(transfer)~~) form designed by the secretary of state and supplied by the county auditor; or

(b) For a change within the county, the voter may write in his or her new residential address in the precinct list of registered voters.

The county auditor shall determine which of these two procedures are to be used in the county or may determine that both procedures are to be available to voters for use in the county.

(2) A voter who transfers his or her registration in the manner authorized by this section shall vote in the precinct in which he or she was previously registered.

(3) The auditor shall, within (~~(ninety)~~) sixty days, mail to each voter who has transferred a registration under this section (~~(a)~~), an acknowledgement notice (~~(of)~~) detailing his or her current precinct and polling place.

Sec. 124. RCW 29A.08.510 and 2003 c 111 s 232 are each amended to read as follows:

In addition to case-by-case maintenance under RCW 29A.08.620 and 29A.08.630 and the general program of maintenance of voter registration lists under RCW 29A.08.605, deceased voters will be canceled from voter registration lists as follows:

(1) (~~(Every month)~~) Periodically, the registrar of vital statistics of the state shall prepare a (~~(separate)~~) list of persons who resided in each county, for whom a death certificate was transmitted to the registrar and was not included on a previous list, and shall supply the (~~(appropriate)~~) list to (~~(each county auditor)~~) the secretary of state.

(~~(A county auditor)~~) The secretary of state shall compare this list with the registration records and cancel the registrations of deceased voters within at least forty-five days before the next primary or election (~~(held in the county after the auditor receives the list)~~).

(2) In addition, (~~(the)~~) each county auditor may also use newspaper obituary articles as a source of information in order to cancel a voter's registration from the official state voter registration list. The auditor must verify the identity of the voter by matching the voter's date of birth or an address. The auditor shall record the date and source of the obituary in the cancellation records.

(3) In addition, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with the county auditor or the secretary of state. Upon the receipt of such signed statement, the county auditor or the secretary of state shall cancel the registration records concerned (~~(and so notify the secretary of state)~~) from the official state voter registration list.

NEW SECTION. Sec. 125. Upon receiving official notice that a court has imposed a guardianship for an incapacitated person and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, under chapter 11.88 RCW, if the incapacitated person is a registered voter in the county, the county auditor shall cancel the incapacitated person's voter registration.

Sec. 126. RCW 29A.08.520 and 2003 c 111 s 233 are each amended to read as follows:

Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections shall arrange for a periodic comparison of a list of known felons with the statewide voter registration list. If a person is found on the department of corrections felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and cancel the voter registration from the official state voter registration list. The canceling authority shall send notice of the proposed cancellation to the person at his or her last known voter registration address.

Sec. 127. RCW 29A.08.540 and 2003 c 111 s 235 are each amended to read as follows:

(~~(Every county auditor shall carefully preserve in a separate file or list the)~~) Registration records of persons whose voter registrations have been canceled as authorized under this title(~~(. The files or lists shall be kept)~~) must be preserved in the manner prescribed by rule by the secretary of state. Information from such canceled registration records is available for public inspection and copying to the same extent established by RCW 29A.08.710 for other voter registration information.

(~~(The county auditor may destroy the voter registration information and records of any person whose voter registration has been canceled for a period of two years or more.)~~)

Sec. 128. RCW 29A.08.605 and 2003 c 111 s 236 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 and the canceling of registrations under RCW 29A.08.510, the secretary of state and the county auditor shall cooperatively establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety

days before the date of a primary or general election for federal office. ~~((The county may fulfill its obligations under this section))~~ This obligation may be fulfilled in one of the following ways:

(1) The ~~((county auditor))~~ secretary of state may enter into one or more contracts with the United States postal service, or its licensee, which permit the ~~((auditor to))~~ use of postal service change-of-address information. If the ~~((auditor receives))~~ change of address information is received from the United States postal service that indicates that a voter has changed his or her residence address within the ~~((county))~~ state, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address ~~((If the auditor receives postal change of address information indicating that the voter has moved out of the county, the auditor shall send a confirmation notice to the voter and advise the voter of the need to reregister in the new county. The auditor shall place the voter's registration on inactive status));~~

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter ~~((within the county))~~ bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state.

Sec. 129. RCW 29A.08.610 and 2003 c 111 s 237 are each amended to read as follows:

In addition to the case-by-case cancellation procedure required in RCW 29A.08.420, ~~((the county auditor, in conjunction with the office of))~~ the secretary of state, shall ~~((participate in an annual))~~ conduct an ongoing list maintenance program designed to detect persons registered in more than one county or voting in more than one county in an election. This program must be applied uniformly throughout the ~~((county))~~ state and must be nondiscriminatory in its application. The program must be completed not later than thirty days before the date of a primary or general election.

The office of the secretary of state shall ~~((cause to be created a list of))~~ search the statewide voter registration list to find registered voters with the same date of birth and similar names ~~((who appear on two or more county lists of registered voters)).~~ The ~~((office of the))~~ secretary of state shall ~~((forward this list to each county auditor so that they may properly cancel the previous registration of voters who have subsequently registered in a different county. The county auditor of the county where the previous registration was made shall cancel the registration of the voter if it appears that the signatures in the registration and the signature provided to the new county on the voter's new registration were made by the same person))~~ compare the signatures on each voter registration record and after confirming that a duplicate registration exists properly resolve the duplication.

If a voter is suspected of voting in two or more counties in an election, the county auditors in each county shall cooperate without delay to determine the voter's county of residence. The county auditor of the county of residence of the voter suspected of voting in two or more counties shall take action under RCW 29A.84.010 without delay.

Sec. 130. RCW 29A.08.620 and 2003 c 111 s 239 are each amended to read as follows:

(1) A county auditor shall assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable:

- (a) An acknowledgement of registration;
- (b) An acknowledgement of transfer to a new address;
- (c) A vote-by-mail ballot, absentee ballot, or application for a ballot;
- (d) Notification to a voter after precinct reassignment;
- (e) Notification to serve on jury duty; or
- (f) Any other document other than a confirmation notice, required by statute, to be mailed by the county auditor to the voter.

(2) A county auditor shall also assign a registered voter to inactive status and shall send the voter a confirmation notice:

(a) Whenever change of address information received from the department of licensing under RCW 29A.08.350, or by any other agency designated to provide voter registration services under RCW ~~((29.07.420))~~ 29A.08.310, indicates that the voter has moved to an address outside the ~~((county))~~ state; or

(b) If the auditor receives postal change of address information under RCW 29A.08.605, indicating that the voter has moved out of the ~~((county))~~ state.

Sec. 131. RCW 29A.08.630 and 2003 c 111 s 241 are each amended to read as follows:

The county auditor shall return an inactive voter to active voter status if, during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second general election for federal office that occurs after the date that the voter was sent a confirmation notice, the voter: Notifies the auditor of a change of address within the county; responds to a confirmation notice with information that the voter continues to reside at the registration address; votes or attempts to vote in a primary or a special or general election and resides within the county; or signs any petition authorized by statute for which the signatures are required by law to be verified by the county auditor or secretary of state. If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration.

Sec. 132. RCW 29A.08.640 and 2003 c 111 s 243 are each amended to read as follows:

If the response to the confirmation notice provides the county auditor with the information indicating that the voter has moved within the county, the auditor shall transfer the voter's registration. If the response indicates a move out of a county, but within the state, the auditor shall place the registration in inactive status for transfer pending acceptance by the county indicated by the new address. The auditor shall immediately notify the auditor of the county with the new address. If the response indicates that the voter has left the ~~((county))~~ state, the auditor shall cancel the voter's registration on the official state voter registration list.

Sec. 133. RCW 29A.08.710 and 2003 c 111 s 246 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying: The voter's name, gender, voting record, date of registration, and registration number. The address and political jurisdiction of a registered voter are available for public inspection and copying except as provided by chapter 40.24 RCW. No other information from voter registration records or files is available for public inspection or copying.

Sec. 134. RCW 29A.08.760 and 2003 c 111 s 251 are each amended to read as follows:

~~((As soon as any or all of the voter registration data from the counties has been received under RCW 29A.08.750 and processed, the secretary of state shall provide a duplicate copy of this data to the political party organization or other individual making the request, at cost, shall provide a duplicate copy of the master statewide computer tape or data file of registered voters to the statute law committee without cost, and))~~ The secretary of state shall provide a duplicate copy of the master statewide computer ((tape)) file or electronic data file of registered voters to the department of information services for purposes of creating the jury source list without cost. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.730 and 29A.08.740.

Sec. 135. RCW 29A.08.770 and 2003 c 111 s 252 are each amended to read as follows:

The secretary of state and each county auditor shall maintain for at least two years and shall make available for public inspection and copying all records concerning the implementation of programs and activities conducted for the purpose of insuring the accuracy and currency of official lists of eligible voters. These records must include lists of the names and addresses of all persons to whom notices are sent and information concerning whether or not each person has responded to the notices. These records must contain lists of all persons removed from the list of eligible voters and the reasons why the voters were removed.

NEW SECTION. Sec. 136. Only voters who appear on the official statewide voter registration list are eligible to participate in elections. Each county shall maintain a copy of that county's portion of the state list. The county must ensure that data used for the production of poll lists and other lists and mailings done in the administration of each election are drawn from the official statewide voter registration list.

NEW SECTION. Sec. 137. Each county shall ensure complete freedom of electronic access and information transfer between the county's election management and voter registration system and the secretary of state's official statewide voter registration list.

NEW SECTION. Sec. 138. Any state or local election officer, or a designee, who has access to any county or statewide voter registration data base who knowingly uses or alters information in the data base inconsistent with the performance of his or her duties is guilty of a class C felony, punishable under RCW 9A.20.021.

Sec. 139. RCW 11.88.010 and 1991 c 289 s 1 are each amended to read as follows:

(1) The superior court of each county shall have power to appoint guardians for the persons and/or estates of incapacitated persons, and guardians for the estates of nonresidents of the state who have property in the county needing care and attention.

(a) For purposes of this chapter, a person may be deemed incapacitated as to person when the superior court determines the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety.

(b) For purposes of this chapter, a person may be deemed incapacitated as to the person's estate when the superior court determines the individual is at significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs.

(c) A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity.

(d) A person may also be determined incapacitated if he or she is under the age of majority as defined in RCW 26.28.010.

(e) For purposes of giving informed consent for health care pursuant to RCW 7.70.050 and 7.70.065, an "incompetent" person is any person who is (i) incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his or her property or caring for himself or herself, or both, or (ii) incapacitated as defined in (a), (b), or (d) of this subsection.

(f) For purposes of the terms "incompetent," "disabled," or "not legally competent," as those terms are used in the Revised Code of Washington to apply to persons incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of incapacitated persons, who by reason of their incapacity have need for protection and assistance, but who are capable of managing some of their personal and financial affairs. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and restrictions on an incapacitated person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incapacitated nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

(3) Venue for petitions for guardianship or limited guardianship shall lie in the county wherein the alleged incapacitated person is domiciled, or if such person resides in a facility supported in whole or in part by local, state, or federal funding sources, in either the county where the facility is located, the county of domicile prior to residence in the supported facility, or the county where a parent or spouse of the alleged incapacitated person is domiciled.

If the alleged incapacitated person's residency has changed within one year of the filing of the petition, any interested person may move for a change of venue for any proceedings seeking the appointment of a guardian or a limited guardian under this chapter to the county of the alleged incapacitated person's last place of residence of one year or more. The motion shall be granted when it appears to the court that such venue would be in the best interests of the alleged incapacitated person and would promote more complete consideration of all relevant matters.

(4) Under RCW 11.94.010, a principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if guardianship proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

(5) When a court imposes a full guardianship for an incapacitated person, the person shall be considered incompetent for purposes of rationally exercising the right to vote and shall lose the right to vote, unless the court specifically finds that the person is rationally capable of exercising the franchise. Imposition of a limited guardianship for an incapacitated person shall not result in the loss of the right to vote unless the court determines that the person is incompetent for purposes of rationally exercising the franchise. When a court determines that the person is incompetent for the purpose of rationally exercising the right to vote, the court shall notify the appropriate county auditor.

NEW SECTION. Sec. 140. In developing the technical standards of data formats for transferring voter registration data, the secretary shall consult with the information services board. The board shall review and make recommendations regarding proposed technical standards prior to implementation.

PART II LOCAL GOVERNMENT GRANT PROGRAM

NEW SECTION. Sec. 201. The secretary of state shall establish a competitive local government grant program to solicit and prioritize project proposals from county election offices. Potential projects proposals must be new projects designed to help the county election office comply with the requirements of the Help America Vote Act (P.L. 107-252). Grant funds will not be allocated to fund existing statutory functions of local elections offices, and in order to be eligible for a grant, local election offices must maintain an elections budget at or above the local elections budget by the effective date of this section.

NEW SECTION. Sec. 202. The secretary of state will administer the grant program and disburse funds from the election account established in the state treasury by the legislature in chapter 111, Laws of 2003. Only grant proposals from local government election offices will be reviewed. The secretary of state and any local government grant recipient shall enter into an agreement outlining the terms of the grant and a payment schedule. The payment schedule may allow the secretary of state to make payments directly to vendors contracted by the local government election office from Help America Vote Act (P.L. 107-252) funds. The secretary of state shall adopt any rules necessary to facilitate this section.

NEW SECTION. Sec. 203. (1) The secretary of state shall create an advisory committee and adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria for administering the local government grant program, which may include a preference for grants that include a match of local funds.

(2) The advisory committee shall review grant proposals and establish a prioritized list of projects to be considered for funding by the third Tuesday in May of each year beginning in 2004 and continuing as long as funds in the election account established by chapter 48, Laws of 2003 are available. The grant award may have an effective date other than the date the project is placed on the prioritized list, including money spent previously by the county that would qualify for reimbursement under the Help America Vote Act (P.L. 107-252).

(3) Examples of projects that would be eligible for local government grant funding include, but are not limited to the following:

(a) Replacement or upgrade of voting equipment, including the replacement of punchcard voting systems;

(b) Purchase of additional voting equipment, including the purchase of equipment to meet the disability requirements of the Help America Vote Act (P.L. 107-252);

(c) Purchase of new election management system hardware and software capable of integrating with the statewide voter registration system required by the Help America Vote Act (P.L. 107-252);

(d) Development and production of poll worker recruitment and training materials;

(e) Voter education programs;

(f) Publication of a local voters pamphlet;

(g) Toll-free access system to provide notice of the outcome of provisional ballots; and

(h) Training for local election officials.

PART III DISABILITY ACCESS VOTING

NEW SECTION. Sec. 301. "Disability access voting location" means a location designated by the county auditor for the conduct of in-person disability access voting.

NEW SECTION. Sec. 302. "Disability access voting period" means the period of time starting twenty days before an election until one day before the election.

NEW SECTION. Sec. 303. "In-person disability access voting" means a procedure in which a voter may come in person to a disability access location and cast a ballot during the disability access voting period.

NEW SECTION. Sec. 304. At the discretion of the county auditor, in-person disability access voting may take place during the period starting twenty days before the day of a primary or election and ending the day before the election. The auditor shall maintain a system or systems to prevent multiple voting. The end of the disability access voting period in each county will be determined by the auditor's need and ability to print and distribute poll books to the polls in order to prevent multiple voting.

NEW SECTION. Sec. 305. The county auditor has sole discretion for determining locations within the county and operating hours for disability access voting locations.

NEW SECTION. Sec. 306. In-person disability access voting must be conducted using disability access voting devices at locations that are acceptable and comply with federal and state access requirements.

NEW SECTION. Sec. 307. No person may interfere with a voter in any way within the disability access voting location. This does not prevent the voter from receiving assistance in preparing his or her ballot as provided in this chapter.

NEW SECTION. Sec. 308. (1) During posted disability access voting hours, no person may, within the voting location, or in any public area within three hundred feet of an entrance to the voting location:

(a) Suggest or persuade or attempt to suggest or persuade a voter to vote for or against a candidate or ballot measure;

(b) Circulate cards or handbills of any kind;

(c) Solicit signatures to any kind of petition; or

(d) Engage in a practice that interferes with the freedom of voters to exercise their franchise or disrupts the administration of the early voting location.

(2) No person may obstruct the doors or entries to a building containing the voting location or prevent free access to and from the voting location. Any sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction, and may arrest a person creating such an obstruction.

(3) No person may:

(a) Except as provided in RCW 29A.44.050, remove a ballot from the disability access voting location before the closing of the polls; or

(b) Solicit a voter to show his or her ballot.

(4) No person other than a voting election official may receive from a voter a voted ballot or deliver a blank ballot to the voter.

(5) A violation of this section is a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, and the person convicted may be ordered to pay the costs of prosecution.

NEW SECTION. Sec. 309. A disability access voting election officer who does any electioneering during the voting period is guilty of a misdemeanor, and upon conviction must be fined a sum not exceeding one hundred dollars and pay the costs of prosecution.

NEW SECTION. Sec. 310. A voter desiring to vote at a disability access voting site shall give his or her name to the voting election officer who has the precinct list of registered voters. This officer shall announce the name to the election officer who has the copy of the list of voters. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth and operate a voting device. The number of the ballot or the voter must be recorded by the election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

NEW SECTION. Sec. 311. Disability access voting locations must remain open continuously until the time specified in the notice of disability access voting. At the time of closing, the election officers shall announce that the disability access voting location is closed.

NEW SECTION. Sec. 312. If at the time of closing the disability access voting location, there are voters in the location who have not voted, they must be allowed to vote after the location has been closed.

NEW SECTION. Sec. 313. Immediately after the daily close of the disability access voting location and the completion of voting, the election officers shall count the number of votes cast and make a record of any discrepancy between this number and the number of voters who signed the poll book for that day, complete the certifications in the poll book, prepare the ballots for transfer to the counting center if necessary, and seal the voting devices.

NEW SECTION. Sec. 314. (1) At the direction of the county auditor, a team or teams composed of a representative of at least two major political parties shall stop at disability access voting locations and pick up the sealed containers of ballots or electronic ballot media for delivery to the counting center. This process must occur daily at the closing hour for the voting location. Two election officials, representing two major political parties, shall seal the containers furnished by the county auditor and properly identified with his or her address with uniquely prenumbered seals.

(2) At the counting center or the collection stations where the sealed ballot containers are delivered by the designated representatives of the major political parties, the county auditor or a designated representative of the county auditor shall receive the sealed ballot containers, record the time, date, voting location, and seal number of each ballot container.

Sec. 315. RCW 29A.16.010 and 2003 c 111 s 401 are each amended to read as follows:

The intent of this chapter is to require state and local election officials to designate and use polling places and disability access voting locations in all elections and permanent registration locations which are accessible to elderly and disabled persons. County auditors shall:

(1) Make modifications such as installation of temporary ramps or relocation of polling places within buildings, where appropriate;

(2) Designate new, accessible polling places to replace those that are inaccessible; and

(3) Continue to use polling places and voter registration locations which are accessible to elderly and disabled persons.

Sec. 316. RCW 29A.16.130 and 2003 c 111 s 409 are each amended to read as follows:

Each state agency and entity of local government shall permit the use of any of its buildings and the most suitable locations therein as polling places or disability access voting locations when required by a county auditor to provide accessible places in each precinct.

Sec. 317. RCW 29A.44.030 and 2003 c 111 s 1103 are each amended to read as follows:

Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove the material when he or she leaves the polls or the disability access voting location.

Sec. 318. RCW 29A.44.040 and 2003 c 111 s 1104 are each amended to read as follows:

No ballots may be used in any polling place or disability access voting location other than those prepared by the county auditor. No voter is entitled to vote more than once at a primary or a general or special election, except that if a voter incorrectly marks a ballot, he or she may return it and be issued a new ballot. The precinct election officers shall void the incorrectly marked ballot and return it to the county auditor.

Sec. 319. RCW 29A.44.220 and 2003 c 111 s 1121 are each amended to read as follows:

On signing the precinct list of registered voters or being issued a ballot, the voter shall, without leaving the polling place or disability access location, proceed to one of the voting booths or voting devices to cast his or her vote. When county election procedures so provide, the election officers may tear off and retain the numbered stub from the ballot before delivering the ballot to the voter. If an election officer has not already done so, when the voter has finished, he or she shall either (1) remove the numbered stub from the ballot, place the ballot in the ballot box, and return the number to the ((precinct)) election officers, or (2) deliver the entire ballot to the ((precinct)) election officers, who shall remove the numbered stub from the ballot and place the ballot in the ballot box. If poll-site ballot counting devices are used, the voter shall put the ballot in the device.

Sec. 320. RCW 29A.44.350 and 2003 c 111 s 1133 are each amended to read as follows:

If a poll-site ballot counting device fails to operate at any time during polling hours or disability access voting hours, voting must continue, and the ballots must be deposited for later tabulation in a secure ballot compartment separate from the tabulated ballots.

NEW SECTION. Sec. 321. In developing technical standards for voting technology and systems to be accessible for individuals with disabilities, the secretary shall consult with the information services board. The board shall review and make recommendations regarding proposed technical standards prior to implementation.

PART IV ADMINISTRATIVE COMPLAINT PROCEDURE

NEW SECTION. Sec. 401. The state-based administrative complaint procedures required in the Help America Vote Act (P.L. 107-252) and detailed in administrative rule apply to all primary, general, and special elections administered under this title.

PART V PROVISIONAL BALLOT AFTER THE POLLS CLOSE

NEW SECTION. Sec. 501. (1) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time for closing the polls, may vote in that election only by casting a provisional ballot. As to court orders extending the time for closing the polls, this section does not apply to any voters who were present in the polling place at the statutory closing time and as a result are permitted to vote under RCW 29A.44.070. This section does not, by itself, authorize any court to order that any individual be permitted to vote or to extend the time for closing the polls, but this section is intended to comply with 42 U.S.C. Sec. 15482(c) with regard to federal elections.

(2) Any ballot cast under subsection (1) of this section must be separated and held apart from other provisional ballots cast by those not affected by the order.

PART VI VOTING SYSTEM

NEW SECTION. Sec. 601. As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

- (a) To define ballots;
- (b) To cast and count votes;
- (c) To report or display election results from the voting system;
- (d) To maintain and produce any audit trail information; and

(2) The practices and associated documentation used:

- (a) To identify system components and versions of such components;
- (b) To test the system during its development and maintenance;
- (c) To maintain records of system errors and defects;
- (d) To determine specific system changes to be made to a system after the initial qualification of the system; and
- (e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

PART VII CONFORMING AMENDMENTS, REPEALERS, AND EFFECTIVE DATES

Sec. 701. RCW 29.33.305 and 2003 c 110 s 1 are each amended to read as follows:

~~(1) ((The secretary of state shall adopt rules and establish standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters.~~

~~(2))~~ (2) At each polling location, at least one voting unit certified by the secretary of state shall provide access to individuals who are blind or visually impaired.

~~((3))~~ (2) Compliance with this provision in regard to voting technology and systems purchased prior to July 27, 2003, shall be achieved at the time of procurement of an upgrade of technology compatible with nonvisual voting methods or replacement of existing voting equipment or systems.

~~((4))~~ (3) Compliance with subsection~~((s))~~ (2) ~~((and (3)))~~ of this section is contingent on available funds to implement this provision.

~~((5))~~ (4) For purposes of this section, the following definitions apply:

- (a) "Accessible" includes receiving, using, selecting, and manipulating voter data and controls.
- (b) "Nonvisual" includes synthesized speech, Braille, and other output methods.
- (c) "Blind and visually impaired" excludes persons who are both deaf and blind.

~~((6))~~ (5) This section does not apply to voting by absentee ballot.

Sec. 702. RCW 29A.04.610 and 2003 c 111 s 161 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;

- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic facsimile;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;
- (22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
- (23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
- (24) Procedures and forms for declarations of candidacy;
- (25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
- (26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
- (27) Filing for office;
- (28) The order of positions and offices on a ballot;
- (29) Sample ballots;
- (30) Independent evaluations of voting systems;
- (31) The testing, approval, and certification of voting systems;
- (32) The testing of vote tallying software programming;
- (33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;
- (36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;
- (37) The tabulation of paper ballots before the close of the polls;
- (38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;
- (39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;
- (40) Procedures for conducting a statutory recount;
- (41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
- (43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;
- (44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;
- (45) Procedures for the publication of a state voters' pamphlet; ~~((and))~~
- (46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (47) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;
- (48) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;
- (49) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(50) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(51) Provisions and procedures to implement the state based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252); and

(52) Facilitating the payment of local government grants to local government election officers or vendors.

NEW SECTION. Sec. 703. The following acts or parts of acts are each repealed:

RCW 29A.04.181 (Voting system, device, tallying system) and 2003 c 111 s 131;

RCW 29A.08.530 (Weekly report of cancellations and name changes) and 2003 c 111 s 234, 1999 c 298 s 8, 1994 c 57 s 43, 1971 ex.s. c 202 s 31, & 1965 c 9 s 29.10.100;

RCW 29A.08.645 (Electronic file format) and 2003 c 111 s 244 & 1999 c 100 s 5; and

RCW 29A.08.650 (Voter registration data base) and 2003 c 111 s 245 & 2002 c 21 s 2.

NEW SECTION. Sec. 704. RCW 29A.08.750 (Computer file of registered voters--County records to secretary of state--Reimbursement) and 2003 c 111 s 250 are each repealed.

NEW SECTION. Sec. 705. (1) Sections 101, 106, 125, 136, 137, and 140 of this act are each added to chapter 29A.08 RCW.

(2) Sections 201 through 203, 401, and 501 of this act are each added to chapter 29A.04 RCW.

(3) Sections 138 and 309 of this act are each added to chapter 29A.84 RCW.

(4) Sections 321 and 601 of this act are each added to chapter 29A.12 RCW.

NEW SECTION. Sec. 706. Sections 301 through 308 and 310 through 314 of this act constitute a new chapter in Title 29A RCW.

NEW SECTION. Sec. 707. (1) Sections 103, 104, and 115 through 118 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 119, 140, 201 through 203, 321, 401, 501, and 702 of this act take effect July 1, 2004.

(3) Sections 301 through 320 of this act take effect January 1, 2005.

(4) Sections 101, 102, 105 through 114, 120 through 139, 601, 701, and 704 of this act take effect January 1, 2006.

NEW SECTION. Sec. 708. Part headings used in this act are not any part of the law."

Correct the title.

Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Referred to Committee on Appropriations.

February 25, 2004

SB 6465 Prime Sponsor, Senator Swecker: Extending the expiration date of the dairy inspection program assessment. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 6478 Prime Sponsor, Senate Committee on Health & Long-Term Care: Increasing the regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6485 Prime Sponsor, Senator Deccio: Improving the regulatory environment for hospitals.
Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

On page 3, line 4, after "(4)" strike "Any" and insert "Except when responding to complaints or immediate public health and safety concerns or when such prior notice would conflict with other state or federal law, any"

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6493 Prime Sponsor, Senator Horn: Changing provisions relating to responsibility for costs of elections. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6518 Prime Sponsor, Senator McCaslin: Changing the general election ballot for the office of judge of the district court. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 25, 2004

SSB 6575 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Concerning use classifications for irrigation district conveyance and drainage facilities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

On page 1, at the beginning of line 7, insert "(1)"

On page 1, line 11, after "project." strike "The" and insert "(2) If necessary because of the use attainability analysis conducted under subsection (1) of this section, the"

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

February 25, 2004

SB 6686 Prime Sponsor, Senator Murray: Increasing penalties for identity theft in the first degree. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

February 25, 2004

ESSB 6731 Prime Sponsor, Senate Committee on Agriculture: Concerning standards and grades for fruits and vegetables. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 26, 2004

SJSM 8032 Prime Sponsor, Senate Committee on Economic Development: Urging Congress to fully restore funding for the manufacturing extension partnership program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Passed to Committee on Rules for second reading.

February 26, 2004

ESJM 8039 Prime Sponsor, Senator Shin: Requesting relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2004

SJM 8040 Prime Sponsor, Senator Shin: Requesting funding for veterans' health care needs. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Miloscia, Vice Chairman; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt; McDermott; Nixon; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 25, 2004

SJM 8043 Prime Sponsor, Senator Rasmussen: Requesting the elimination of preferences given to asparagus under the Andean Trade Preference Act. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Grant; Hunt; Kristiansen; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 25, 2004

ESJM 8050 Prime Sponsor, Senator Sheahan: Informing Congress of Washington's expertise in animal disease. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Chandler; Eickmeyer; Kristiansen; McDermott; Orcutt; Quall and Sump.

MINORITY recommendation: Without recommendation. Signed by Representatives Hunt.

Passed to Committee on Rules for second reading.

February 26, 2004

SCR 8419 Prime Sponsor, Senator Franklin: Creating a joint select committee on health disparities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Benson.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2474 and HOUSE BILL NO. 3205 which were placed on second reading.

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

SECOND READING

HOUSE BILL NO. 3164, By Representatives Murray, Ericksen, Wallace, Jarrett, Sommers, Rockefeller, Woods, Ruderman, Hatfield, Morris, Cooper, G. Simpson and Hankins

Enacting the Transportation Innovative Partnerships Act.

The bill was read the second time. There being no objection, Substitute House Bill No. 3164 was substituted for House Bill No. 3164 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3164 was read the second time.

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

Representatives Murray, Chopp, Jarrett, Murray (again) and Wallace spoke in favor of passage of the bill.

Representatives Mielke and Armstrong spoke against the passage of the bill.

MOTIONS

On motion of Representative Santos, Representative Edwards was excused. On motion of Representative Holmquist, Representative McMorris was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3164.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3164 and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Blake, Bush, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Boldt, Buck, Cairnes, Carrell, Chandler, Condotta, Cox, Crouse, DeBolt, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Sump and Talcott - 27.

Excused: Representatives Edwards and McMorris - 2.

SUBSTITUTE HOUSE BILL NO. 3164, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2474, By Representative Murray; by request of Governor Locke

Making supplemental transportation appropriations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2474 was substituted for House Bill No. 2474 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2474 was read the second time.

MOTION

On motion of Representative Clements, Representative Mastin was excused.

Representative Mielke moved the adoption of amendment (1066):

On page 20, line 4, strike "\$25,779,000" and insert "\$24,779,000"

On page 20, line 9, strike "\$28,481,000" and insert "\$27,481,000"

Representatives Mielke spoke in favor of the adoption of the amendment.

Representatives Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mielke moved the adoption of amendment (1067):

On page 30, line 35, strike "\$159,225,000" and insert "\$159,375,000"

On page 31, line 8, strike "\$1,600,764,000" and insert "\$1,600,914,000"

On page 31, line 11, strike "\$159,225,000" and insert "\$159,375,000"

Representative Mielke spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Sommers moved the adoption of amendment (1074):

On page 34, after line 11, insert the following:

"(15) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right of way acquisition, or construction on the project if it could have the effect of reducing roadway capacity on that facility."

Representative Sommers spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Sommers moved the adoption of amendment (1075):

On page 34, after line 11, insert the following:

"(15) In conducting its environmental impact statement responsibilities on the Alaskan Way Viaduct project, the department of transportation must provide briefings and consult with the legislators in the affected project area on the design alternatives for that facility."

Representative Sommers spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Rodne moved the adoption of amendment (1065):

On page 40, line 21, strike "\$33,226,000" and insert "\$33,976,000"

On page 40, line 24, strike "\$30,226,000" and insert "\$31,476,000"

On page 40, line 26, strike "\$66,261,000" and insert "\$68,261,000"

On page 43, line 1, strike "\$11,400,000" and insert "\$12,150,000"

On page 43, line 1, after "appropriation" insert "and \$1,250,000 of the multimodal transportation account--state"

Representatives Rodne and Orcutt spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (1068):

On page 49, after line 9, insert the following:

"Sec. 504. RCW 46.16.230 and 1992 c 7 s 41 are each amended to read as follows:

(1) The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and

plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures.

(2) Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

(3) The department shall implement a flat, digitally printed license plate system. This system must be in place and operational by January 1, 2005, and must be used to produce all license plates issued by the department by no later than January 1, 2008. The department must phase in the production of flat, digitally printed license plates by first issuing special and personalized plates using this system. Before January 1, 2008, the department may issue all license plates as flat, digitally printed license plates, if the department determines that production of all license plates by the digital printing system is economically viable.

Correct the title.

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McMahan moved the adoption of amendment (1071):

On page 49, after line 9, insert the following:

"**Sec. 504.** RCW 47.46.130 and 2002 c 114 s 10 are each amended to read as follows:

(1) Proceeds of the sale of bonds issued by the state for projects constructed under this chapter must be deposited in the state treasury to the credit of a special account designated for those purposes. Those proceeds must be expended only for the purposes enumerated in this chapter, for payment of the expense incurred in the issuance and sale of any such bonds, and to repay the motor vehicle fund for any sums advanced to pay the cost of surveys, location, design, development, right-of-way, and other activities related to the financing and construction of the bridge and its approaches.

(2) Notwithstanding subsection (1) of this section, the department may use any available or remaining bond authorization and bond proceeds authorized or issued for projects constructed under this chapter and not required for completion of the projects to be used for safety improvements within the same corridor and on the same state route as the toll facility. The special account must be reimbursed for the cost of the safety improvements.

(a) On June 30, 2004, the state treasurer shall transfer \$420,000 from the Tacoma Narrows toll bridge account to the motor vehicle account for the design (PE) phase of the Burley/Olalla interchange.

(b) On June 30, 2009, the state treasurer shall transfer \$980,000 from the transportation 2003 account (nickel account) to the Tacoma Narrows toll bridge account.

(c) On June 30, 2011, the state treasurer shall transfer \$10,130,000 from the transportation 2003 account (nickel account) to the Tacoma Narrows toll bridge account.

(d) On June 30, 2012, the state treasurer shall transfer up to \$4,100,000 from the transportation 2003 account (nickel account) to the Tacoma Narrows toll bridge account. The amount transferred in this subsection (2)(d), when combined with the amounts in (b) and (c) of this subsection, may not exceed the amount expended for the right of way acquisition, permitting, design, construction, and other costs attributable to project number 301632(A) state route number 16 Burley-Olalla interchange."

Correct the title.

Representatives McMahan and Lantz spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Murray, Ericksen, Rockefeller and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2474.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2474 and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Boldt, Chandler, Clements, Cox, Holmquist, Mielke, Newhouse, Orcutt, Schoesler and Skinner - 10.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3205, By Representative Murray

Funding homeland security for transportation.

The bill was read the second time. There being no objection, Substitute House Bill No. 3205 was substituted for House Bill No. 3205 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3205 was read the second time.

Representative Murray moved the adoption of amendment (1064):

On page 4, line 26, strike "seventy-five" and insert "fifty"

On page 5, line 33, strike "seventy-five" and insert "fifty"

On page 6, line 28, strike "state patrol highway account" and insert "homeland transportation security account"

On page 6, after line 35, insert the following:

"NEW SECTION. Sec. 4. FOR THE STATE TREASURER--TRANSFERS
STATE TREASURER | TRANSFERS

Motor Vehicle Account--State Appropriation: For transfer to the Homeland Transportation Security

Account \$2,000,000"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Murray spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative G. Simpson moved the adoption of amendment (1069):

On page 6, line 18, strike "\$2,419,000" and insert "\$2,642,000"

On page 6, line 22, strike "\$4,465,000" and insert "\$4,688,000"

On page 6, line 30, after "border program." insert "\$223,000 of the \$2,642,000 of the Washington State Patrol field operations homeland transportation security account appropriation is to be used solely for identity theft detectives to work with the department of licensing in investigating and enforcing the laws regarding identity theft within the issuance and renewals of driver licenses."

Representatives G. Simpson, Jarrett and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Murray, Cooper, Jarrett, Rockefeller, Murray (again) and Morris spoke in favor of passage of the bill.

Representatives Ericksen, Bush, Armstrong, Benson and Mielke spoke against the passage of the bill.

Representative Chandler demanded the previous question and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3205.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3205 and the bill passed the House by the following vote: Yeas - 55, Nays - 40, Absent - 0, Excused - 3.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hinkle, Holmquist, Kristiansen, McDonald, McMahan, Mielke, Morrell, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Wallace - 40.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3205, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2531, By Representatives Murray, Wallace, McIntire, Dickerson, Hatfield, Rockefeller, Schual-Berke, Moeller, Chase, Conway and Wood

Expanding authority for regional transportation investment districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 2531 was substituted for House Bill No. 2531 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2531 was read the second time.

With the consent of the House, amendments (815), (868), (949) and (1018) were withdrawn.

Representative Murray moved the adoption of amendment (1063):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.120.010 and 2002 c 56 s 101 are each amended to read as follows:

The legislature finds that:

(1) The capacity of many of Washington state's transportation facilities have failed to keep up with the state's growth, particularly in major urban regions;

(2) The state cannot by itself fund, in a timely way, many of the major capacity and other improvements required on highways of statewide significance (~~(in the state's largest urbanized area)~~) and facilities that are an identified risk for failure;

(3) Providing a transportation system that provides efficient mobility for persons and freight requires a shared partnership and responsibility between the state, local, and regional governments and the private sector; and

(4) Timely construction and development of significant transportation improvement projects can best be achieved through enhanced funding options for governments at the county and regional levels, using already existing tax authority to address roadway and multimodal needs and new authority for regions to address critical transportation projects (~~(of statewide significance)~~).

Sec. 2. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation (~~whose boundaries are coextensive with two or more contiguous counties and~~) that has been created by a county legislative authority or authorities and a vote of the people under this chapter to implement a regional transportation investment plan. For counties specified under RCW 36.120.030(1), the boundaries must be coextensive with two or more contiguous counties, and for counties specified under RCW 36.120.030(2), the boundaries may be multicounty, county-wide, or less than county-wide; however, a city must be wholly inside or outside the boundaries of the district.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8)(a) "Transportation project" means(~~:-~~

~~(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that-~~

~~(i) Adds a lane or new lanes to an existing state or federal highway; or~~

~~(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.-~~

~~(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:-~~

- ~~(i) Approaches to highways of statewide significance;~~
 - ~~(ii) High occupancy vehicle lanes;~~
 - ~~(iii) Flyover ramps;~~
 - ~~(iv) Park and ride lots;~~
 - ~~(v) Bus pullouts;~~
 - ~~(vi) Vans for vanpools;~~
 - ~~(vii) Buses; and~~
 - ~~(viii) Signalization, ramp metering, and other transportation system management improvements.~~
- ~~(e) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:~~
- ~~(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;~~
 - ~~(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;~~
 - ~~(iii) Matching money equal to one third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;~~
 - ~~(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;~~
 - ~~(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and~~
 - ~~(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.~~
- ~~(d)) a project or program contained in the transportation plan of the state or of a regional transportation planning organization, including operations, preservation, and maintenance ((are excluded from this definition and may not be included in a regional transportation investment plan)) of the projects or programs.~~
- (b) "High-priority project" means the restoration, reconstruction, or improvement of a transportation facility of regional significance that has failed or is an identified risk for failure in terms of its design life expectancy or other factors.
- (9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 3. RCW 36.120.030 and 2002 c 56 s 103 are each amended to read as follows:

Regional transportation investment district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district planning committee. To proceed with developing a plan, including submission of a plan to county legislative authorities for placement on a ballot, at least two contiguous counties must be included in the plan.

(2) For counties other than those counties specified in subsection (1) of this section, the county legislative authority may create a regional transportation investment district and shall convene a regional transportation investment planning committee. Counties may by resolution of each county's legislative authority create a district to include more than one county.

(3) The members of the legislative authorities participating in planning under this chapter shall serve as the district planning committee. In addition, for counties planning under subsection (2) of this section, the planning committee must also include mayors or city council members of cities within the district so that the proportional membership on the planning committee in terms of members with weighted votes reflects the relative population of persons living within the respective jurisdictions. Members of the planning committee receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

~~((3))~~ (4) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those transportation projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

~~((4))~~ (5) The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under RCW 36.120.040, except that ((#)) planning committees for counties under subsection (1) of this section shall elect an executive board of seven members to discharge the duties of the

planning committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

~~((5))~~ (6) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures.

~~((6))~~ (7) Governance of and decisions by a regional transportation investment district planning committee must be by a sixty-percent weighted majority vote of the total membership.

~~((7))~~ (8) The planning committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the planning committee.

Sec. 4. RCW 36.120.040 and 2003 c 194 s 1 are each amended to read as follows:

(1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations in which a participating county is located. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate with affected cities, towns, and other local governments that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the:

(i) Creation of a regional transportation investment district; and

(ii) Construction of transportation projects to improve or maintain mobility within each county (~~Operations, maintenance, and preservation of facilities or systems may not be part of the plan~~);

~~((e))~~ (d) Recommend sources of revenue authorized by RCW 36.120.050 and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and ~~(transportation capacity)~~ mobility improvement projects in each county and the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) For counties under RCW 36.120.030(1), the plan must use tax revenues and related debt for projects that generally benefit a participating county in proportion to the general level of tax revenues generated within that participating county. This equity principle applies to all modifications to the plan, appropriation of contingency funds not identified within the project estimate, and future phases of the plan. During implementation of the plan, the board shall retain the flexibility to manage distribution of revenues, debt, and project schedules so that the district may effectively implement the plan. Nothing in this section should be interpreted to prevent the district from pledging district-wide tax revenues for payment of any contract or debt entered into under RCW 36.120.130.

(5) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(6) For counties under RCW 36.120.030(1), if a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(7) Once adopted, the plan must be forwarded to the participating county legislative authority or authorities to initiate the election process under RCW 36.120.070. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(8) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authority or authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

Sec. 5. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to ~~((0-5))~~ 0.2 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district. The proceeds of this tax may be spent only as follows:

(i) 0.1 percent only for high-priority projects;

(ii) 0.1 percent only for public transportation purposes, commute trip reduction programs, or high-priority projects, or a combination thereof;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 and chapter 81.104 RCW;

(e) A local option fuel tax under RCW 82.80.120;

(f) A mileage charge under section 16 of this act;

(g) An employer excise tax under RCW 81.100.030; and

~~((g))~~ (h) With the approval of the transportation commission, or its successor, vehicle tolls on ~~((new or reconstructed facilities))~~ a local or regional arterial or state or federal highway within the boundaries of the district. The plan must identify the facilities to be tolled and the purpose of the toll. Unless otherwise specified by law or contract, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section. In authorizing these revenue sources, it is the intent of the legislature to provide a range of options that can be tailored to meet the transportation needs identified by local elected officials, with voter approval. The legislature does not intend that all local option tax sources will be used by a single district, nor that each revenue source will necessarily be imposed to its maximum limit.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec. 6. RCW 36.120.060 and 2002 c 56 s 106 are each amended to read as follows:

(1) The planning committee shall consider the following criteria for selecting transportation projects to improve corridor performance:

(a) Reduced level of congestion and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period person and vehicle trip capacity;

(e) Reductions in person and vehicle delay;

(f) Improved personal mobility;

(g) Improved freight mobility; and

~~((g))~~ (h) Cost-effectiveness of the investment.

(2) The planning committee shall develop and weight other criteria as necessary to ensure that high-priority projects are accomplished.

(3) These criteria represent only minimum standards that must be considered in selecting transportation improvement projects. The board shall also consider rules and standards for benchmarks adopted by the transportation commission or its successor.

Sec. 7. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

Two or more contiguous county legislative authorities under RCW 36.120.030(1) and a county or county legislative authorities under RCW 36.120.030(2), upon receipt of the regional transportation investment plan under RCW 36.120.040, may ~~((certify the plan to the ballot, including identification of the tax options))~~ submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to ~~((fund))~~ finance the plan. ~~((County legislative authorities))~~ The planning committee may draft ~~((a ballot title,))~~ the ballot measure on behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ~~((put the plan before))~~ submit the measure to the voters of the proposed district for their approval or rejection ~~((as a single ballot measure that both approves formation of the district and approves the plan))~~. Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the participating counties. A simple majority of the total persons voting on the single ballot measure ~~((to approve the plan, establish the district, and approve the taxes and fees))~~ is required for approval of the measure.

Sec. 8. RCW 36.120.090 and 2002 c 56 s 109 are each amended to read as follows:

(1) The governing board of a district consists of the members of the legislative authority of each member county, acting ex officio and independently. The secretary of transportation or the appropriate regional administrator of the department, as named by the secretary, shall also serve as a nonvoting member of the board. For districts in counties under RCW 36.120.030(1), the governing board may elect an executive board of seven members to discharge the duties of the governing board subject to the approval of the full governing board.

(2) A sixty-percent majority of the weighted votes of the total board membership is required to submit to the county or counties a modified plan under RCW 36.120.140 or any other proposal to be submitted to the voters. The county or counties may, with majority vote of each county legislative authority, submit a modified plan or proposal to the voters.

Sec. 9. RCW 36.120.140 and 2003 c 194 s 2 are each amended to read as follows:

(1) The board may modify the plan to change transportation projects or revenue sources if:

(a) For districts in counties under RCW 36.120.030(1), two or more participating counties adopt a resolution to modify the plan~~((;))~~ and ~~((b))~~ the counties submit to the voters in the district a ballot measure that redefines the scope of the plan, its projects, its schedule, its costs, or the revenue sources;

(b) For districts in counties under RCW 36.120.030(2), the board adopts a resolution to modify the plan and the county or counties submit to the voters in the district a ballot measure that redefines the scope of the plan, its projects, its schedule, its costs, or the revenue sources.

If the voters of either type of district fail to approve the redefined plan, the district shall continue to work on and complete the plan, and the projects in it, that was originally approved by the voters. If the voters approve the redefined plan, the district shall work on and complete the projects under the redefined plan.

(2) The board may modify the plan to change transportation projects within a participating county if:

(a) A majority of the board approves the change;

(b) The modifications are limited to projects within the county;

(c) The county submits to the voters in the county a ballot measure that redefines:

(i) Projects;

(ii) Scopes of projects; or

(iii) Costs; and

(iv) The financial plan for the county;

(d) The proposed modifications maintain the equity of the plan and ~~((does [do]))~~ do not increase the total level of plan expenditure for the county.

If the voters fail to approve the modified plan, the district shall continue to work on and complete the plan, and the projects in it, that was originally approved by the voters. If the voters approve the redefined plan, the district shall work on and complete the projects under the redefined plan.

(3) If a transportation project cost exceeds its original cost by more than twenty percent as identified in the plan:

(a) The board shall, in coordination with the county legislative authorities, submit to the voters in the district or county a ballot measure that redefines the scope of the transportation project, its schedule, or its costs. If the voters fail to approve the redefined transportation project, the district shall terminate work on that transportation project, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds that would otherwise have been expended on the terminated transportation project must first be used to retire any outstanding debt attributable to the plan and then may be used to implement the remainder of the plan.

(b) Alternatively for districts in counties under RCW 36.120.030(1), upon adoption of a resolution by two or more participating counties:

(i) The counties shall submit to the voters in the district a ballot measure that redefines the scope of the plan, its transportation projects, its schedule, or its costs. If the voters fail to approve the redefined plan, the district shall terminate work on that plan, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds must be used to retire any outstanding debt attributable to the plan; or

(ii) The counties may elect to have the district continue the transportation project without submitting an additional ballot proposal to the voters.

(4) To assure accountability to the public for the timely construction of the transportation improvement project or projects within cost projections, the district shall issue a report, at least annually, to the public and copies of the report to newspapers of record in the district. In the report, the district shall indicate the status of transportation project costs, transportation project expenditures, revenues, and construction schedules. The report may also include progress towards meeting the performance criteria provided under this chapter.

Sec. 10. RCW 36.120.190 and 2002 c 56 s 201 are each amended to read as follows:

For districts in counties under RCW 36.120.030(1), at the option of the planning committee, and with the explicit approval of the regional transit authority, the participating counties may choose to impose any remaining high capacity transportation taxes under chapter 81.104 RCW that have not otherwise been used by a regional transit authority and submit to the voters a common ballot measure that creates the district, approves the regional transportation investment plan, implements the taxes, and implements any remaining high capacity transportation taxes within the boundaries of the regional transportation investment district. Collection and expenditures of any high capacity transportation taxes implemented under this section must be determined by agreement between the participating counties or district and the regional transit authority electing to submit high capacity transportation taxes to the voters under a common ballot measure as provided in this section. If the measure fails, all such unused high capacity transportation taxes revert back to and remain with the regional transit authority. A project constructed with this funding is not considered a "transportation project" under RCW 36.120.020.

Sec. 11. RCW 36.120.200 and 2002 c 56 s 401 are each amended to read as follows:

The regional transportation investment district account is created in the custody of the state treasurer. The purpose of this account is to act as an account into which may be deposited state money, if any, that may be used in conjunction with district money to fund transportation projects. Additionally, ~~((the))~~ districts may deposit funds into this account for disbursement, as appropriate, on transportation projects. Nothing in this section requires any state matching money. All money deposited in the regional transportation investment district account will be used for design, right of way acquisition, capital acquisition, and construction, or for the payment of debt service associated with these activities, for regionally funded transportation projects developed under this chapter. Only the district may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

NEW SECTION. Sec. 12. A new section is added to chapter 36.120 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may impose vehicle tolls on local and regional arterials with the approval of the transportation commission, or its successor, and upon approval of a majority of the voters voting on a regional transportation investment plan ballot measure within its boundaries as authorized in this chapter. These tolls may be imposed to generate revenue to fund the regional transportation investment plan.

Sec. 13. RCW 47.56.076 and 2002 c 56 s 403 are each amended to read as follows:

With the approval of the transportation commission, or its successor, and upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and only for the purposes authorized in RCW 36.120.050(1)(~~((f))~~) (h), a regional transportation investment district may impose vehicle tolls on a state (~~((routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance))~~) or federal highway within the boundaries of the district. The department shall administer the collection of vehicle tolls on designated facilities unless otherwise specified in law or by contract, and the state transportation commission, or its successor, shall (~~((be the tolling authority))~~) set and impose the tolls in amounts sufficient to implement the regional transportation investment plan.

NEW SECTION. Sec. 14. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may impose vehicle tolls on either Lake Washington bridge upon approval of a majority of the voters voting on a regional transportation investment plan ballot measure within its boundaries as authorized in chapter 36.120 RCW and RCW 47.56.076.

Sec. 15. RCW 82.14.430 and 2002 c 56 s 405 are each amended to read as follows:

(1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to ~~((0.5))~~ 0.2 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed ~~((0.5))~~ 0.2 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

NEW SECTION. Sec. 16. A new section is added to chapter 82.80 RCW to read as follows:

(1) The legislative authority of a regional transportation investment district may impose a charge based upon vehicle miles traveled. This charge may be, but is not limited to, a charge upon the vehicle miles traveled within the district by a vehicle, upon vehicle miles traveled within certain corridors in the district, or upon total vehicle miles traveled by a vehicle registered to a person whose legal residence is within the district.

(2) Charges imposed may be collected either periodically in a manner prescribed by the district or annually by the department of licensing upon renewal of the vehicle license. The district may identify categories of miles driven that are subject to or exempt from the charge, including but not limited to, travel outside the district, travel in specified corridors, or exempt or maximum mileage charges.

(3) The mileage charge under this section is subject to the approval of the transportation commission or its statutory successor and of a majority of the voters within the district boundaries voting on formation of the district. The mileage charge must be part of the investment plan of the district.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative McMahan moved the adoption of amendment (1076) to amendment (1063):

On page 2, line 16, after counties, insert "except as provided in RCW 36.120.030(1)."

On page 4, line 21 of the amendment, after "committee." insert "Any portion of a county that is located on a peninsula and is connected to the other portion of the county by a bridge improved under the Public-Private Transportation Initiatives Act, chapter 47.46 RCW, in a county with a national park and a population of more than five hundred thousand persons and less than one million five hundred thousand persons may not be part of a regional transportation investment district."

Representatives McMahan, Lantz and Murray spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Sommers moved the adoption of amendment (1072) to amendment (1063):

On page 6, line 17 of the amendment, after "(3)" insert "In conducting its environmental impact statement responsibilities on the Alaskan Way Viaduct project, the department of transportation must provide briefings and consult with legislators in the affected project area on the design alternatives for that facility as a high-priority project.

(4)"

Renumber the remaining subsections consecutively.

Representative Sommers spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative G. Simpson moved the adoption of amendment (1070) to amendment (1063):

On page 8, beginning on line 27 of the amendment, after "district" strike all material through "thereof" on line 32

On page 10, beginning on line 12 of the amendment, after "(2)" strike all material through "(3)" on line 14

Representatives G. Simpson spoke in favor of the adoption of the amendment to the amendment.

Representative Jarrett and Murray spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (1070) to amendment (1063) to Substitute House Bill No. 2531.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1070) to amendment (1063) to Substitute House Bill No. 2531, and the amendment was not adopted by the following vote: Yeas - 11, Nays - 84, Absent - 0, Excused - 3.

Voting yea: Representatives Conway, Cooper, Eickmeyer, Hunter, Kirby, Ormsby, Romero, Schual-Berke, G. Simpson, Sullivan and Upthegrove - 11.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Excused: Representatives Edwards, Mastin and McMorris - 3.

Representative Sommers moved the adoption of amendment (1073) to amendment (1063):

On page 10, line 14 of the amendment, after "(3)" insert "Funding provided by this act for the Alaskan Way Viaduct project as a high-priority project shall not be spent for preliminary engineering, design, right of way acquisition, or construction on the project if it could have the effect of reducing roadway capacity on that facility.
(4)"

Representative Sommers spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment (1063) as amended was adopted. The bill was ordered engrossed.

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

Representatives Murray, Hatfield and Wallace spoke in favor of passage of the bill.

Representatives Jarrett, Eickmeyer, Bush and Mielke spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2531.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2531 and the bill passed the House by the following vote: Yeas - 52, Nays - 43, Absent - 0, Excused - 3.

Voting yea: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, McMahan, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Eickmeyer, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, McDonald, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 43.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531, having received the necessary constitutional majority, was declared passed.

THIRD SUBSTITUTE HOUSE BILL NO. 1796, By House Committee on Appropriations (originally sponsored by Representatives Murray, Hankins, Dunshee, Anderson, Lantz, Eickmeyer, McIntire, Kagi, Conway, Kenney, Schual-Berke, Wood, Lovick, Santos and Edwards)

Funding driver's education for low-income students.

The bill was read the second time. There being no objection, Third Substitute House Bill No. 1796 was substituted for Second Substitute House Bill No. 1796 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE SECOND SUBSTITUTE HOUSE BILL NO. 1796 was read the second time.

With the consent of the House, amendments (800), (808) and (818) were withdrawn.

Representative Clements moved the adoption of amendment (1077):

On page 2, line 11, after "course" strike "may" and insert "shall"

Representatives Clements and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Murray and Hinkle spoke in favor of passage of the bill.

Representative Ahern spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1796.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1796 and the bill passed the House by the following vote: Yeas - 60, Nays - 35, Absent - 0, Excused - 3.

Voting yea: Representatives Benson, Blake, Bush, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Boldt, Buck, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Holmquist, Jarrett, Kristiansen, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schoesler, Sehlin, Skinner, Sump, Talcott, Tom and Woods - 35.

Excused: Representatives Edwards, Mastin and McMorris - 3.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1796, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 3206 by Representatives Chase, Cooper, Upthegrove and Mastin

AN ACT Relating to the transfer of residents of residential habilitation centers; and adding a new section to chapter 71A.20 RCW.

Referred to Committee on Children & Family Services.

HB 3207 by Representatives Carrell, Bailey, McMahan, Bush, Hinkle, Cairnes, Kristiansen, Talcott, Crouse, Delvin, Orcutt, Sump, Pearson, Mielke, Condotta, Benson, Roach, Boldt, Shabro, Newhouse, Holmquist, Priest, Ahern, Alexander, Chandler, Armstrong, Clements, Skinner, Buck, Woods, Nixon, McDonald, Cox, Schindler, Schoesler and Rodne

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 4.56.115, 4.56.110, 19.52.025, 4.56.250, 7.70.070, 7.70.100, 4.16.350, 7.70.080, 7.70.060, 4.24.250, 43.70.510, 70.41.200, 43.70.110, 43.70.250, 51.24.035, 4.16.300, 46.61.688, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; adding new sections to chapter 4.24 RCW; adding new sections to chapter 4.56 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; adding new sections to chapter 43.70 RCW; adding new sections to chapter 7.72 RCW; creating new sections; and providing for submission of this act to a vote of the people.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 3207.

Representative Carrell moved that the rules be suspended, and that HOUSE BILL NO. 3207 be read the first time in full and be placed on second reading.

Representative Carrell spoke in favor of adoption of the motion.

Representative Kessler spoke against adoption of the motion.

An electronic roll call vote was demanded and the demand was sustained.

MOTION

On motion of Representative Santos, Representative Schual-Berke was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of the motion to suspend the rules and place House Bill No. 3207 on second reading.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 3207 on second reading and the motion was not adopted by the House by the following vote: Yeas - 44, Nays - 50, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, McDonald, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 44.

Voting nay: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 50.

Excused: Representatives Edwards, Mastin, McMorris and Schual-Berke - 4.

There being no objection, HOUSE BILL NO. 3207 was referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

February 27, 2004

ESHB 1317 Prime Sponsor, Senate Committee on Agriculture & Natural Resources: Creating a trust water rights program. (REVISED FOR ENGROSSED: Enhancing the effectiveness of the trust water rights program.) Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 26, 2004

HB 2573 Prime Sponsor, Representative Dunshee: Adopting a supplemental capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Armstrong; Benson; Blake; Chase; Eickmeyer; Flannigan; Hinkle; Kirby; Lantz; Morrell; Murray; O'Brien; Schoesler; G. Simpson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Priest, Asst Ranking Minority Member; Bush; Hankins; Mastin; Newhouse; Orcutt and Woods.

Passed to Committee on Rules for second reading.

February 26, 2004

ESB 5083 Prime Sponsor, Senator Stevens: Recognizing concealed weapon licenses issued by states that recognize Washington's concealed pistol license. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 9.41 RCW to read as follows:

(1)(a) A person licensed to carry a pistol in a state the laws of which recognize and give effect in that state to a concealed pistol license issued under the laws of the state of Washington is authorized to carry a concealed pistol in this state if:

(i) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age; and

(ii) The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license.

(b) This section applies to a license holder from another state only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

(2) The attorney general shall periodically publish a list of states the laws of which recognize and give effect in that state to a concealed pistol license issued under the laws of the state of Washington and which meet the requirements of subsections (1)(a)(i) and (ii) of this section."

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 5139 Prime Sponsor, Senate Committee on Higher Education: Concerning student preparation for college-level work. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that little progress has been made in reducing the proportion of recent high school graduates who must enroll in remedial or precollege classes at Washington's public colleges and universities before they proceed with college-level courses. The legislature also finds that more than seventeen million dollars in state and tuition resources is being spent each year to provide these students with the basic skills in reading, writing, and mathematics they should have gained before graduating from high school. It is the intent of the legislature that state education agencies place a higher priority on their work to address the issue of remediation to make measurable progress by the end of 2004.

NEW SECTION. Sec. 2. (1) Within current budgets, the higher education coordinating board, the office of the superintendent of public instruction, and the state board for community and technical colleges shall:

(a) Adopt standards and expectations for the knowledge and skills high school graduates need to ensure they are ready for college-level work, which may be based on existing standards developed in Washington, in other states, or by national organizations; and

(b) Develop strategies for implementing and communicating the standards in all Washington high schools.

(2) To accomplish the tasks under this section, the boards and the office shall convene a college preparation work group that includes representatives of two and four-year institutions of higher education and school districts. By January 1, 2005, the work group must submit a progress report to the education and higher education committees of the senate and the house of representatives.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.10 RCW to read as follows:

Except for the reports required by RCW 28B.10.685, institutions of higher education shall not include in official enrollment reports any student who graduated from a Washington high school within the previous three years and is enrolled in a precollege course as defined by RCW 28B.10.682, nor shall such a student be considered in any enrollment statistics that would affect budgetary determinations. The restriction under this section applies only to the proportion of such a student's total enrollment that is in precollege courses.

Sec. 4. RCW 28B.10.685 and 1995 c 310 s 3 are each amended to read as follows:

Beginning in 1997, by September 30th of each year, each state university, regional university, state college, and, for community colleges and technical colleges, the state board for community and technical colleges shall provide a report to the office of the superintendent of public instruction, the state board of education, and the commission on student learning under RCW ((~~28A.630.885~~) 28A.655.060). The report shall contain the following information on students who, within three years of graduating from a Washington high school, enrolled the prior year in a ((~~state supported~~) precollege level class at the institution: (1) The number of such students enrolled in a precollege level class in mathematics, reading, grammar, spelling, writing, or English; (2) the types of precollege classes in which each student was enrolled; and (3) the name of the Washington high school from which each student graduated.

For students who enrolled in a precollege class within three years of graduating from a Washington high school, each institution of higher education shall also report to the Washington high school from which the student graduated. The annual report shall include information on the number of students from that high school enrolled in precollege classes, and the types of classes taken by the students.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.15 RCW to read as follows:

Institutions of higher education shall not provide state-supported tuition waivers to any student who graduated from a Washington high school within the previous three years and is enrolled in a precollege course as defined by RCW 28B.10.682. The restriction under this section applies only to the proportion of such a student's total enrollment that is in precollege courses.

Sec. 6. RCW 28B.119.010 and 2003 c 233 s 5 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic

assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials, except that a recipient who graduated from a Washington high school within the previous three years may not apply the scholarship toward the cost of tuition at a public institution of higher education for enrollment in precollege courses, as defined by RCW 28B.10.682. The restriction under this subsection applies only to the proportion of a recipient's total enrollment that is in precollege courses.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

NEW SECTION. Sec. 7. Sections 3 through 6 of this act take effect September 1, 2009."

Correct the title.

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Referred to Committee on Appropriations.

February 27, 2004

SSB 5168 Prime Sponsor, Senate Committee on Children & Family Services & Corrections:
Authorizing reduction of interest on legal financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 2, after line 20, insert the following:

"**Sec. 2.** RCW 9.94A.637 and 2003 c 379 s 19 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the

sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) The court shall send a copy of every signed certificate of discharge to the auditor for the county in which the court resides and to the department. The department shall create and maintain a data base containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 3. RCW 9.94A.760 and 2003 c 379 s 14 are each amended to read as follows:

(1) Whenever a person is convicted (~~(of a felony)~~) in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such

requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the

county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

(11)(a) Until January 1, 2004, the department shall mail individualized monthly billings to the address known by the department for each offender with an unsatisfied legal financial obligation.

(b) Beginning January 1, 2004, the administrative office of the courts shall mail individualized monthly billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(c) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(d) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(e) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(12) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection (4) of this section. The costs for collection services shall be paid by the offender.

(13) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

(14) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, community placement, or community supervision, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 4. RCW 9.94A.772 and 2003 c 379 s 22 are each amended to read as follows:

Notwithstanding any other provision of state law, monthly payment or starting dates set by the court, the county clerk, or the department before or after October 1, 2003, shall not be construed as a limitation on the due date or amount of legal financial obligations, which may be immediately collected by civil means and shall not be construed as a limitation for purposes of credit reporting. Monthly payments and commencement dates are to be construed to be applicable solely as a limitation upon the deprivation of an offender's liberty for nonpayment.

Sec. 5. RCW 50.13.020 and 1981 c 35 s 2 are each amended to read as follows:

Any information or records concerning an individual or employing unit obtained by the department of employment security pursuant to the administration of this title or other programs for which the department has responsibility shall be private and confidential, except as otherwise provided in this chapter. This chapter does not create a rule of evidence. Information or records may be released by the department of employment security when the release is:

(1) Required by the federal government in connection with, or as a condition of funding for, a program being administered by the department; or

(2) Requested by a county clerk for the purposes of RCW 9.94A.760.

The provisions of RCW 50.13.060 (1) (a), (b) and (c) will not apply to such release."

Correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004

ESB 5232 Prime Sponsor, Senator Morton: Authorizing multiyear excess property tax levies for cemetery districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

On page 2, after line 18, insert the following:

"**Sec. 2.** RCW 84.52.054 and 1986 c 133 s 2 are each amended to read as follows:

The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and as thereafter amended, and specifically authorized by RCW 84.52.052, as now or hereafter amended, and RCW 84.52.053 (~~and~~), 84.52.0531, 84.52.130, and section 4 of this act shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a school district, fire district, or cemetery district proposition for a particular period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the years in that period. The dollar amount for each annual levy in the particular period may be equal or in different amounts."

Renumber the sections consecutively, correct any internal references accordingly, and correct the title.

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Roach and Santos.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 5436 Prime Sponsor, Senate Committee on Education: Regarding foods and beverages sold at public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds:

(a) Childhood obesity has reached epidemic levels in Washington and throughout the nation. Nearly one in five Washington adolescents in grades nine through twelve were recently found to be either overweight or at risk of being overweight;

(b) Overweight and obese children are at higher risk for developing severe long-term health problems, including but not limited to Type 2 diabetes, cardiovascular disease, high blood pressure, and certain cancers;

(c) Overweight youth also are often affected by discrimination, psychological stress, and low self-esteem;

(d) Obesity and subsequent diseases are largely preventable through diet and regular physical activity;

(e) A child who has eaten a well-balanced meal and is healthy is more likely to be prepared to learn in the classroom;

(f) Encouraging adolescents to adopt healthy lifelong eating habits can increase their productivity and reduce their risk of dying prematurely;

(g) Frequent eating of carbohydrate-rich foods or drinking sweet liquids throughout the day increases a child's risk for dental decay, the most common chronic childhood disease;

(h) Schools are a logical place to address the issue of obesity in children and adolescents; and

(i) Increased emphasis on physical activity at all grade levels is essential to enhancing the well-being of Washington's youth.

(2) While the United States department of agriculture regulates the nutritional content of meals sold in schools under its school breakfast and lunch program, limited standards are in place to regulate "competitive foods," which may be high in added sugars, sodium, and saturated fat content. However, the United States department of agriculture does call for states and local entities to add restrictions on competitive foods, as necessary.

NEW SECTION. Sec. 2. (1) Consistent with the essential academic learning requirements for health and fitness, including nutrition, the Washington state school directors association, with the assistance of the office

of the superintendent of public instruction, the department of health, and the Washington alliance for health, physical education, recreation and dance, shall convene an advisory committee to develop a model policy regarding access to nutritious foods, opportunities for developmentally appropriate exercise, and accurate information related to these topics. The policy shall address the nutritional content of foods and beverages, including fluoridated bottled water, sold or provided throughout the school day or sold in competition with the federal school breakfast and lunch program and the availability and quality of health, nutrition, and physical education and fitness curriculum. The model policy should include the development of a physical education and fitness curriculum for students. For middle school students, physical education and fitness curriculum means a daily period of physical activity, a minimum of twenty minutes of which is aerobic activity in the student's target heart rate zone, which includes instruction and practice in basic movement and fine motor skills, progressive physical fitness, athletic conditioning, and nutrition and wellness instruction through age-appropriate activities.

(2) The school directors association shall submit the model policy and recommendations on the related issues, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy on its web site by January 1, 2005.

(3) Each district's board of directors shall establish its own policy by August 1, 2005."

On page 1, line 2 of the title, after "campuses;" strike the remainder of the title and insert "and creating new sections."

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 26, 2004

E2SSB 5533 Prime Sponsor, Senate Committee on Education: Providing increased access to information on disciplinary actions taken against school employees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that state law requires criminal background checks of applicants for school district employment. However, the legislature finds that, because they generally are limited to criminal conviction histories, results of background checks are more complete when supplemented by an applicant's history of past sexual misconduct. Therefore, the legislature finds that additional safeguards are necessary in the hiring of school district employees to ensure the safety of Washington's school children. In order to provide the safest educational environment for children, school districts must provide known information regarding employees' sexual misconduct when those employees attempt to transfer to different school districts.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.400 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Applicant" means an applicant for employment in a certificated or classified position who is currently or was previously employed by a school district.

(b) "Employer" means a school district employer.

(2) Before hiring an applicant, a school district shall request the applicant to sign a statement:

(a) Authorizing the applicant's current and past employers to disclose to the hiring school district sexual misconduct, if any, by the applicant and making available to the hiring school district copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct by the applicant; and

(b) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (a) of this subsection, as provided in subsection (4) of this section.

(3) Before hiring an applicant, a school district shall request in writing, electronic or otherwise, the applicant's current and past employers to provide the information described in subsection (2)(a) of this section, if any. The request shall include a copy of the statement signed by the applicant under subsection (2) of this section.

(4) Not later than twenty business days after receiving a request under subsection (3) of this section, a school district shall provide the information requested and make available to the requesting school district copies of all documents in the applicant's personnel record relating to the sexual misconduct. The school district, or an

employee acting on behalf of the school district, who in good faith discloses information under this section is immune from civil liability for the disclosure.

(5) A hiring district shall request from the office of the superintendent of public instruction verification of certification status, including information relating to sexual misconduct as established by the provisions of subsection (11) of this section, if any, for applicants for certificated employment.

(6) A school district shall not hire an applicant who does not sign the statement described in subsection (2) of this section.

(7) School districts may employ applicants on a conditional basis pending the district's review of information obtained under this section.

(8) Information received under this section shall be used by a school district only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor.

(9) Beginning September 1, 2004, the board or an official of a school district shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or of expunging information about that abuse or sexual misconduct from any documents in the previous employer's personnel, investigative, or other files relating to verbal or physical abuse or sexual misconduct by the applicant. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable, and may not be withheld from disclosure by the entry of any administrative or court order. This subsection does not restrict the expungement from a personnel file of information about alleged verbal or physical abuse or sexual misconduct that has not been substantiated.

(10) This section does not prevent a school district from requesting or requiring an applicant to provide information other than that described in this section.

(11) By September 1, 2004, the state board of education has the authority to and shall adopt rules defining "verbal abuse," "physical abuse," and "sexual misconduct" as used in this section for application to all classified and certificated employees. The definitions of verbal and physical abuse and sexual misconduct adopted by the state board of education must include the requirement that the school district has made a determination that there is sufficient information to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee's leaving his or her position at the school district.

(12) Except as limited by chapter 49.12 RCW, at the conclusion of a school district's investigation, a school employee has the right to review his or her entire personnel file, investigative file, or other file maintained by the school district relating to sexual misconduct as addressed in this section and to attach rebuttals to any documents as the employee deems necessary. Rebuttal documents shall be disclosed in the same manner as the documents to which they are attached. The provisions of this subsection do not supercede the protections provided individuals under the state whistleblower laws in chapter 42.41 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. School districts shall provide parents with information regarding their rights under the Washington public disclosure act, chapter 42.17 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents on an annual basis.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.410 RCW to read as follows:

For the purposes of reporting disciplinary actions taken against certificated staff to other states via a national data base used by the office of the superintendent of public instruction, the following actions shall be reported: Suspension, surrender, revocation, denial, stayed suspension, reinstatement, and any written reprimand related to abuse and sexual misconduct. These actions will only be reported to the extent that they are accepted by the national clearinghouse, but if there are categories not included, the office of the superintendent of public instruction shall seek modification to the national clearinghouse format."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating a new section; and prescribing penalties."

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 26, 2004

2ESSB 5536 Prime Sponsor, Senate Committee on Judiciary: Resolving claims relating to condominium construction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 64.34 RCW to read as follows:

(1) The legislature finds, declares, and determines that:

(a) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(b) One of the growth management act's planning goals is to encourage the availability of affordable housing for all residents of the state and promote a variety of housing types;

(c) Quality condominium construction needs to be encouraged to achieve growth management act mandated urban densities and ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices.

(2) It is the intent of the legislature that this act implement changes in the condominium act that encourage insurance carriers to provide liability insurance for condominium builders by: Providing for arbitration of disputes; ensuring that material facts and claims are presented as fully as possible in arbitration proceedings; confining judicial review of arbitration decisions to the arbitration record, except in very limited circumstances; requiring mandatory arbitration of disputes involving construction defects; and eliminating litigation over minor or insignificant problems, while continuing to protect consumers' legitimate claims regarding condominium construction.

(3) It is the further intent of the legislature that these changes in the condominium act ensure that a broad range of affordable homeownership opportunities continue to be available to the residents of the state and also assist cities' and counties' efforts to achieve the density mandates of the growth management act.

Sec. 2. RCW 64.34.100 and 1989 c 43 s 1-113 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Any right or obligation declared by this chapter is enforceable by arbitration or judicial proceeding. Arbitration may be provided for in the declaration or by agreement of the parties. However, claims under RCW 64.34.443, 64.34.445, or 64.34.450 shall be subject to mandatory arbitration as set forth in this section. In any arbitration of claims under RCW 64.34.443, 64.34.445, or 64.34.450, the arbitrator may award reasonable attorneys' fees to the substantially prevailing party as set forth in this section.

(3) Mandatory arbitration for claims under RCW 64.34.443, 64.34.445, or 64.34.450 shall comply with the following minimum standards:

(a) All disputes shall be heard by one qualified arbitrator, unless the parties agree that three arbitrators shall be used. When three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. If, within thirty days, the parties fail to agree on an arbitrator or the required number of arbitrators fail to be appointed, then an arbitrator shall be appointed by the presiding judge of the superior court of the county in which the condominium is located under RCW 7.04.050;

(b) An arbitrator must be a lawyer, retired judge, or have experience with construction and engineering standards and practices, written construction warranties, or construction dispute resolution and a person shall not serve as an arbitrator in any arbitration in which that person has any financial or personal interest;

(c) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator shall be bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. Unless the parties agree otherwise or the arbitrator grants an extension for good cause, the arbitration hearing shall be completed within six months of the service of the list of defects in accordance with RCW 64.50.030;

(d) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04 RCW, unless the parties elect to use the condominium or construction dispute resolution rules of the American arbitration association, which are permitted to the extent not inconsistent with this section. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. Each party shall pay its own reasonable attorneys' fees unless the parties agree otherwise or unless the arbitrator awards reasonable attorneys' fees or any part thereof to any specified party or parties. All other expenses of arbitration shall be

borne equally by the parties, unless they agree otherwise or unless the arbitrator awards such expenses or any part thereof to any specified party or parties; and

(e) Filing of a demand for arbitration commences an arbitration for purposes of RCW 64.34.452.

(4) Within twenty days after the arbitration decision and award is served on the parties, any aggrieved party may file with the clerk of the superior court in which the condominium is located a written notice of appeal and request for a trial in the superior court. Such a trial shall thereupon be held and shall include a right to a jury, if demanded. Such a trial shall be commenced on an expedited schedule within ninety days of the filing of the notice of appeal.

(a) Judicial review of an arbitration decision and award shall be confined to the record created by the arbitrator, except that, upon order of the court, the record may be supplemented by additional evidence or claim only if the additional evidence or claim relates to:

(i) Claims for disqualification of an arbitrator, when such claims were unknown to the appealing party at the time of arbitration;

(ii) Claims regarding matters that were improperly excluded from the arbitration record after being offered by the appealing party;

(iii) Claims regarding matters that were outside the jurisdiction of the arbitrator; or

(iv) Material facts regarding claims that have been arbitrated and that: (A) Were unknown at the time of the arbitration hearing by the party proposing their introduction where such a lack of knowledge was not the result of the party's prior refusal or failure to exercise reasonable diligence in the investigation of its claims or defenses; and (B) could not have been reasonably discovered at the time of arbitration where the failure to discover was not intentional or due to inexcusable neglect.

(b) Except when the court has authorized the record to be supplemented under this subsection (4), the parties may not conduct pretrial discovery. When pretrial discovery is permitted, the court shall, in its order regarding supplementing the record, establish the scope, timing, and extent of permissible discovery and shall require the moving party to disclose before trial the specific additional evidence they intend to offer.

(c) Offers of compromise and the assessment of costs and reasonable attorneys' fees shall be governed by RCW 7.06.050 and 7.06.060.

(d) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

(e) Unless the parties agree otherwise, a complete verbatim record of the arbitration hearing shall be maintained that includes all exhibits offered by the parties. Video recording of the arbitration hearing is permissible only with the consent of the parties.

(f) Within forty-five days after entry of an order to submit the record, or within such other time as the court allows or as the parties agree, the arbitrator shall submit to the court a certified copy of the record for judicial review of the decision, except that the petitioner shall prepare at the petitioner's expense and submit the verbatim hearing record required under (e) of this subsection. If the parties agree, or upon order of the court, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the court. The petitioner shall pay the arbitrator the cost of preparing the record before the arbitrator submits the record to the court. Failure by the petitioner to timely pay the arbitrator relieves the arbitrator of responsibility to submit the record and is grounds for dismissal of the petition. If the relief sought by the petitioner is granted in whole or in part, the court shall equitably assess the costs of preparing the record among the parties. In assessing costs, the court shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under this subsection (4)(f).

(g) Unless the parties agree otherwise, an appeal of an arbitrator's decision is an appeal of the full and complete decision.

Sec. 3. RCW 64.34.216 and 1992 c 220 s 7 are each amended to read as follows:

(1) The declaration for a condominium must contain:

(a) The name of the condominium, which must include the word "condominium" or be followed by the words "a condominium," and the name of the association;

(b) A legal description of the real property included in the condominium;

(c) A statement of the number of units which the declarant has created and, if the declarant has reserved the right to create additional units, the number of such additional units;

(d) The identifying number of each unit created by the declaration and a description of the boundaries of each unit if and to the extent they are different from the boundaries stated in RCW 64.34.204(1);

(e) With respect to each existing unit:

(i) The approximate square footage;

(ii) The number of bathrooms, whole or partial;

(iii) The number of rooms designated primarily as bedrooms;

(iv) The number of built-in fireplaces; and

(v) The level or levels on which each unit is located.

The data described in (ii), (iii), and (iv) of this subsection (1)(e) may be omitted with respect to units restricted to nonresidential use;

(f) The number of parking spaces and whether covered, uncovered, or enclosed;

(g) The number of moorage slips, if any;

(h) A description of any limited common elements, other than those specified in RCW 64.34.204 (2) and (4), as provided in RCW 64.34.232(2)(j);

(i) A description of any real property which may be allocated subsequently by the declarant as limited common elements, other than limited common elements specified in RCW 64.34.204 (2) and (4), together with a statement that they may be so allocated;

(j) A description of any development rights and other special declarant rights under RCW 64.34.020(29) reserved by the declarant, together with a description of the real property to which the development rights apply, and a time limit within which each of those rights must be exercised;

(k) If any development right may be exercised with respect to different parcels of real property at different times, a statement to that effect together with: (i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right, or a statement that no assurances are made in those regards; and (ii) a statement as to whether, if any development right is exercised in any portion of the real property subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real property;

(l) Any other conditions or limitations under which the rights described in (j) of this subsection may be exercised or will lapse;

(m) An allocation to each unit of the allocated interests in the manner described in RCW 64.34.224;

(n) Any restrictions in the declaration on use, occupancy, or alienation of the units;

(o) A cross-reference by recording number to the survey map and plans for the units created by the declaration; and

(p) All matters required or permitted by RCW 64.34.220 through 64.34.232, 64.34.256, 64.34.260, 64.34.276, ~~(and) 64.34.308(4), and 64.34.450.~~

(2) All amendments to the declaration shall contain a cross- reference by recording number to the declaration and to any prior amendments thereto. All amendments to the declaration adding units shall contain a cross-reference by recording number to the survey map and plans relating to the added units and set forth all information required by RCW 64.34.216(1) with respect to the added units.

(3) The declaration may contain any other matters the declarant deems appropriate.

Sec. 4. RCW 64.34.410 and 2002 c 323 s 10 are each amended to read as follows:

(1) A public offering statement shall contain the following information:

(a) The name and address of the condominium;

(b) The name and address of the declarant;

(c) The name and address of the management company, if any;

(d) The relationship of the management company to the declarant, if any;

(e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;

(f) The nature of the interest being offered for sale;

(g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;

(h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;

(i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;

(j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;

(k) A list of the limited common elements assigned to the units being offered for sale;

(l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;

(m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;

(n) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(o) The estimated current common expense liability for the units being offered;

(p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;

(q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;

(r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;

(s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;

(t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;

(u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;

(v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;

(w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;

(x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);

(y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;

(z) A brief description of any construction warranties to be provided to the purchaser and a brief statement as to whether any express written warranty replaces or other document excludes or modifies the implied warranties of quality provided in RCW 64.34.445;

(aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;

(bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;

(cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;

(dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;

(ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;

(ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);

(gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;

(hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;

(ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;

(jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;

(kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; and

(ll) A notice that is substantially in the form required by RCW 64.50.050.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, ~~(and)~~ the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more, and any express written warranty or other document disclosed pursuant to subsection (1)(z) of this section.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), (z), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(z), (ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten- point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

Sec. 5. RCW 64.34.425 and 1992 c 220 s 23 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; and

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association.

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(l), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the

purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 6. RCW 64.34.445 and 1992 c 220 s 26 are each amended to read as follows:

(1) A declarant and any dealer warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear and damage by casualty or condemnation excepted.

(2)(a) A declarant and any dealer impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

~~((a))~~ (i) Free from defective materials; ~~(and~~

~~(b))~~ (ii) Constructed in accordance with sound engineering and construction standards~~(, and)~~;

(iii) Constructed in a workmanlike manner; and

(iv) Constructed in compliance with all laws then applicable to such improvements.

(b) The implied warranty is applicable only if a failure under (a) of this subsection either does or will, or both: (i) Have a material adverse effect on the structural integrity of a unit or common element; (ii) result in a unit or common element being unsafe in any material respect when used for its intended purposes; (iii) substantially impair the sale of the unit if the defect were known; or (iv) materially impair the use of the unit or common element for its intended purpose.

(3) A declarant and any dealer warrants to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed by this section may be replaced, excluded, or modified as specified in RCW 64.34.450.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant, as defined in RCW 64.34.020(1), are made or contracted for by the declarant.

(6) Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality, including as they may be replaced, excluded, or modified by an express written warranty as specified in RCW 64.34.450.

Sec. 7. RCW 64.34.450 and 1989 c 43 s 4-113 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) of this section))~~ For units intended for nonresidential use, implied warranties of quality:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(2) ~~((With respect to a purchaser of a unit that may be occupied))~~ For units intended for residential use, no ~~((general))~~ disclaimer of implied warranties of quality is effective, ~~((but a))~~ except that:

(a) A declarant ~~((and any))~~ or dealer may disclaim liability in an instrument signed by the purchaser for a specified defect or specified failure to comply with applicable law, if the specific defect or failure is known to exist at the time of disclosure and is disclosed in the public offering statement as required by RCW 64.34.410, or in another instrument signed by the buyer, and the disclaimer entered into and became a part of the basis of the bargain; and/or

(b) A declarant or dealer may replace or modify the implied warranties of quality provided under RCW 64.34.445 with an express written warranty of quality only if each of the following conditions are met:

(i) The express written warranty does not reduce protections provided to the purchaser by the implied warranty set forth in RCW 64.34.445;

(ii) The disclosure required by RCW 64.34.410(1)(z) is contained in a public offering statement as provided by RCW 64.34.410(3) and such disclosure is set forth in twelve-point bold face type in the declaration or amendment thereto;

(iii) The express written warranty is set forth in full in the declaration, an amendment to the declaration, or another recorded document; and

(iv) The unit purchaser who initially acquires the unit from the declarant expressly acknowledges in a recorded written conveyance or another recorded written instrument that the implied warranties of quality have been replaced or modified by the express written warranty.

Sec. 8. RCW 64.34.452 and 2002 c 323 s 11 are each amended to read as follows:

(1) A judicial proceeding or arbitration for breach of any obligations arising under RCW 64.34.443 ~~((and)),~~ 64.34.445, and 64.34.450 must be commenced within four years after the cause of action accrues:

PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such periods may not be reduced by either oral or written agreement, or through the use of

contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

NEW SECTION. Sec. 9. (1) The condominium construction defect dispute resolution committee is established. The committee consists of the following members:

(a) A member, who shall be the chair of the committee, to be appointed by the governor;

(b) Two members from the judiciary committee of the Washington state senate, one from each of the two largest caucuses in the senate, to be appointed by the president of the senate;

(c) Two members from the judiciary committee of the Washington state house of representatives, one from each of the two largest caucuses in the house of representatives, to be appointed by the speaker of the house of representatives;

(d) A member to be appointed by the building industry association of Washington;

(e) A member to be appointed by the master builders association of King/Snohomish counties;

(f) A member to be appointed by the Washington chapter of the community association institute;

(g) A member to be appointed by the Washington homeowners' coalition;

(h) A member to be appointed by the condominium alliance;

(i) A member to be appointed by the association of Washington cities;

(j) A member to be appointed by the Washington state association of counties;

(k) A member to be appointed by the insurance commissioner;

(l) A member to be appointed by the American insurance association;

(m) A member to be appointed by the Washington association of consulting engineers;

(n) A member to be appointed by the real property, probate, and trust section of the Washington state bar association;

(o) A member from the consumer protection division of the attorney general's office to be appointed by the attorney general;

(p) A member to be appointed by the Washington public interest research group; and

(q) An ex officio member from the department of community, trade, and economic development, to be appointed by the governor.

(2) The committee members shall:

(a) Select a person to serve as a facilitator of meetings, determine the procedures for effective communication, and meet periodically, not less than monthly, at such times and places as the committee shall determine;

(b) Draft legislation necessary to implement mandatory third-party inspections of building envelopes not later than July 1, 2005;

(c) Analyze issues and make recommendations regarding a shared insurance pool or other mechanism for providing additional insurance to declarants;

(d) Analyze issues and make recommendations regarding the use of single-entity corporations for condominium development;

(e) Analyze and make recommendations regarding such other issues as the committee considers appropriate;

(f) In good faith seek a consensus of opinion to the extent reasonably possible regarding the issues listed in this subsection, but also to articulate conflicting opinions and the reasons therefor; and

(g) Deliver to the judiciary committees of the Washington state senate and house of representatives, not later than December 31, 2003, a report of the findings and conclusions of the committee and its members, and any proposed legislative action.

NEW SECTION. Sec. 10. A new section is added to chapter 64.34 RCW to read as follows:

Effective July 1, 2005, all improvements included in condominiums created in the state of Washington shall be required to undergo third-party independent inspections related to water penetration prevention during the course of construction. The inspections shall be conducted in accordance with laws enacted in 2004 by the legislature after its receipt of the findings and recommendations, if any, of the condominium construction defect dispute resolution committee established in section 9 of this act. In the event no such law is enacted, the inspections shall be conducted in accordance with rules adopted by the office of community development.

NEW SECTION. **Sec. 11.** This act applies only to condominiums created by declarations recorded on or after July 1, 2003.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004
SSB 5590 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Determining the appeals period for certain environmental appeals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004
SB 5597 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.155.010 and 1993 c 507 s 2 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to RCW 70.155.020 through 70.155.130. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.

(2) "Minor" refers to an individual who is less than eighteen years old.

(3) (~~"Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building.~~

~~(4))~~ (4) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

~~((5))~~ (4) "Sampler" means a person engaged in the business of sampling other than a retailer.

~~((6))~~ (5) "Sampling" means the distribution of samples to members of the (~~general~~) public (~~in a public place~~).

~~((7))~~ (6) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

(7) "Twenty-one and over location" means a permanent building that:

- (a) Sells any type of liquor as defined in chapter 66.04 RCW;
- (b) Is classified as off-limits to persons under twenty-one years of age under chapter 66.24 RCW; and
- (c) Is located over one thousand feet from an outdoor venue.

Sec. 2. RCW 70.155.060 and 1993 c 507 s 7 are each amended to read as follows:

~~((1)) No person may distribute or offer to distribute samples in ((a public place. This prohibition does not apply to sampling (a) in an area to which persons under the age of eighteen are denied admission, (b) in or at a store or concession to which a retailer's license has been issued, or (c) at or adjacent to a production, repair, or outdoor construction site or facility.~~

~~(2) Notwithstanding subsection (1) of this section, no person may distribute or offer to distribute samples in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when that facility is being used primarily by persons under the age of eighteen for recreational, educational, or other purposes)) any place other than a twenty-one and over location."~~

Correct the title.

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Referred to Committee on Finance.

February 27, 2004

SSB 5677 Prime Sponsor, Senate Committee on Higher Education: Requiring annual meetings to focus on implementing cross-sector education policies. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that to achieve the goals of education reform and improve student learning and achievement, the separate public education systems should strive to create a seamless system of education from grades K-12 through higher education. The legislature further finds that a seamless system is a system where there is an easy transition from one system to another system. The legislature further finds that a seamless system begins with close collaboration and coordination between the state-level policy boards, as well as the office of the superintendent of public instruction, the council of presidents, and the legislature.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

Each year in September or December, an annual meeting coordinated by the council of presidents shall focus attention on the practical implementation of cross-sector education policies. Participants in the annual meeting shall include the state board of education, the higher education coordinating board, the state board for community and technical colleges, the superintendent of public instruction, the council of presidents, the workforce training and education coordinating board, and legislators from the higher education, education, and fiscal committees. A specific and focused agenda for the annual meeting shall include efforts to improve articulation among high schools and two and four-year institutions of higher education; efforts to increase student success in completing math requirements in high school and college through alignment of standards and improved instruction, advising, and assessment; and development of standards for the knowledge and skills students need to be ready for college-level work. Each year after the annual meeting, the council of presidents will summarize the results of the meeting and propose an action plan for the ensuing year to the higher education and education committees of the legislature."

Correct the title accordingly.

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 5732 Prime Sponsor, Senate Committee on Health & Long-Term Care: Revising provisions for long-term care service options. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 5733 Prime Sponsor, Senate Committee on Health & Long-Term Care: Improving fairness and protection in boarding homes and adult family homes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.20.050 and 2003 c 231 s 4 are each amended to read as follows:

Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this chapter, the department shall issue a license. If there is a failure to comply with the provisions of this chapter or the standards and rules adopted pursuant thereto, the department may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the boarding home for a period to be determined by the department, but not to exceed twelve months, which provisional license shall not be subject to renewal. The department may also place conditions on the license under RCW 18.20.190. At the time of the application for or renewal of a license or provisional license the licensee shall pay a license fee as established by the department under RCW 43.20B.110. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed twelve months in duration. However, when the annual license renewal date of a previously licensed boarding home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of a license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

A licensee who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of a boarding home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the licensee, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the licensee relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

The department shall establish, by rule, the circumstances requiring a change in licensee, which include, but are not limited to, a change in ownership or control of the boarding home or licensee, a change in the licensee's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new licensee is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in licensee, the new licensee is responsible for correction of all violations that may exist at the time of the new license, including compliance with any plan of correction in effect immediately prior to the change in licensee. If any person affiliated with the new licensee was affiliated with a prior licensee at the same boarding home, then the prior licensee's compliance and enforcement record becomes part of the new licensee's record at the boarding home. A person is considered affiliated with a licensee if the person is an applicant for the boarding home license, or is listed on the license application as a partner, officer, director, managerial employee, or majority owner of the applying entity.

Sec. 2. RCW 18.20.110 and 2003 c 280 s 1 are each amended to read as follows:

The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all boarding homes. However, the department may delay an inspection to twenty-four months if the boarding home has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed home to

assure that the licensee is in compliance with this chapter and the rules adopted under this chapter. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (other than financial records, which may be examined when the department has reasonable cause to believe financial obligations related to resident care or services will not be met, or to investigate an allegation of financial exploitation of a resident), methods of administration, the general and special dietary, and the stores and methods of supply. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications (~~therefor~~) to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.

Sec. 3. RCW 70.128.060 and 2001 c 193 s 9 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter, unless (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(5) The department shall not issue a license to a provider if the department finds that the provider or any partner, officer, director, managerial employee, or majority owner (~~of five percent or more~~) if the provider has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(6) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(7) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(8) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(9) The license fee shall be set at fifty dollars per year for each home. A fifty dollar processing fee shall also be charged each home when the home is initially licensed.

(10) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

(11) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license, including compliance with any plan of correction in effect immediately prior to the change in provider. If any person affiliated with the new provider was affiliated with a prior provider at the same adult family home, then the prior provider's compliance and enforcement record becomes part of the new provider's record at the adult family home.

Sec. 4. RCW 18.20.120 and 2000 c 47 s 5 are each amended to read as follows:

All information received by the department through filed reports, inspections, or as otherwise authorized under this chapter (~~(shall not be disclosed publicly in any manner as to identify individuals or boarding homes, except at the specific request of a member of the public and disclosure is)~~), or used by the department in connection with this chapter, is subject to public records disclosure consistent with RCW 42.17.260(1).

Sec. 5. RCW 18.20.125 and 2003 c 231 s 5 are each amended to read as follows:

(1) Inspections must be outcome based and responsive to resident complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to facilities, residents, and other interested parties. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, and advocates in addition to interviewing appropriate staff. At the conclusion of the on-site license inspection, the department shall conduct an exit meeting at the facility to explain the department's preliminary findings and to provide the facility and the resident council, or other representatives of the residents, the opportunity to provide clarifying information.

(2) Prompt and specific enforcement remedies shall also be implemented without delay, consistent with RCW 18.20.190, for facilities found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(3) To the extent funding is available, the licensee, administrator, and their staff should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable adults. Employees may be provisionally hired pending the results of the background check if they have been given three positive references.

(4) No licensee, administrator, or staff, or prospective licensee, administrator, or staff, with a stipulated finding of fact, conclusion of law, and agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into the state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

Sec. 6. RCW 18.20.195 and 2001 c 193 s 7 are each amended to read as follows:

(1) The licensee or its designee has the right to an informal dispute resolution process to dispute any violation found or enforcement remedy imposed by the department during a licensing inspection or complaint investigation. The purpose of the informal dispute resolution process is to provide an opportunity for an exchange of information that may lead to the modification, deletion, or removal of a violation, or parts of a violation, or enforcement remedy imposed by the department. If the dispute concerns a complaint investigation, the complainant shall be given the opportunity to provide the department with clarifying information before the department reaches a decision. If the dispute concerns a licensing inspection, the resident council or other representatives of the residents shall be given the opportunity to provide the department with clarifying information before the department reaches a decision.

(2) The informal dispute resolution process provided by the department shall include, but is not necessarily limited to, an opportunity for review by a department employee who did not participate in, or oversee, the determination of the violation or enforcement remedy under dispute. The department shall develop, or further develop, an informal dispute resolution process consistent with this section.

(3) A request for an informal dispute resolution shall be made to the department within ten working days from the receipt of a written finding of a violation or enforcement remedy. The request shall identify the violation or violations and enforcement remedy or remedies being disputed. The department shall convene a meeting, when possible, within ten working days of receipt of the request for informal dispute resolution, unless by mutual agreement a later date is agreed upon.

(4) If the department determines that a violation or enforcement remedy should not be cited or imposed, the department shall delete the violation or immediately rescind or modify the enforcement remedy. If the department determines that a violation should have been cited or an enforcement remedy imposed, the department shall add the citation and enforcement remedy. Upon request, the department shall issue a clean copy of the revised report, statement of deficiencies, or notice of enforcement action.

(5) The request for informal dispute resolution does not delay the effective date of any enforcement remedy imposed by the department, except that civil monetary fines are not payable until the exhaustion of any formal hearing and appeal rights provided under this chapter. The licensee shall submit to the department, within the time period prescribed by the department, a plan of correction to address any undisputed violations, and including any violations that still remain following the informal dispute resolution.

Sec. 7. RCW 74.39A.050 and 2000 c 121 s 10 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff. At the conclusion of the on-site license or contract inspection, the department shall conduct an exit conference at the facility to explain the department's preliminary findings and to provide the facility and residents or their representatives the opportunity to provide clarifying information.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

(10) The department shall by rule develop training requirements for individual providers and home care agency providers. Effective March 1, 2002, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training. In the rule-making process, the department shall adopt rules based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190.

(13) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(14) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant

certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998."

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 18.20.050, 18.20.110, 70.128.060, 18.20.120, 18.20.125, 18.20.195, and 74.39A.050."

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

April 4, 2003

2SSB 5793 Prime Sponsor, Senate Committee on Financial Services, Insurance & Housing: Changing on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach and Santos.

Passed to Committee on Rules for second reading.

February 27, 2004

SB 5869 Prime Sponsor, Senator T. Sheldon: Authorizing nonprofit corporations to participate in self-insurance risk pools. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that recent increases in property and liability insurance premiums experienced by some nonprofit organizations have the potential to negatively impact the ability of these organizations to continue to offer the level of service they provide in our communities. The legislature finds that nonprofit organizations are distinct from private for-profit businesses. By their very nature, nonprofit organizations are formed for purposes other than generating a profit, and are restricted from distributing any part of the organization's income to its directors or officers. Because of these characteristics, nonprofit organizations provide a unique public good to the residents in our state.

The legislature finds that in order to sustain the financial viability of nonprofit organizations, they should be provided with alternative options for insuring against risks. The legislature further finds that local government entities and nonprofit organizations share the common goal of providing services beneficial to the public interest. The legislature finds that allowing nonprofit organizations and local government entities to pool risk in self-insurance risk pools may be of mutual benefit for both types of entities. Therefore, it is the intent of the legislature to allow nonprofit organizations to form or participate in self-insurance risk pools with other nonprofit organizations or with local government entities where authority for such risk pooling arrangements does not currently exist in state or federal law.

Sec. 2. RCW 48.62.021 and 2002 c 332 s 24 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water-sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations.

(2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(6) "State risk manager" means the risk manager of the risk management division within the office of financial management.

(7) "Nonprofit corporation" or "corporation" has the same meaning as defined in RCW 24.03.005(3).

NEW SECTION. Sec. 3. A new section is added to chapter 48.62 RCW to read as follows:

(1) A nonprofit corporation may form or join a self-insurance risk pool with one or more nonprofit corporations or with a local government entity or entities for property and liability risks.

(2) A nonprofit corporation that participates in or forms a self-insurance risk pool with one or more nonprofit corporations or with a local government entity or entities, as provided in subsection (1) of this section, is subject to the same rules and regulations that apply to a local government entity or entities under this chapter.

(3) This section does not apply to a nonprofit corporation that:

(a) Individually self-insures for property and liability risks;

(b) Participates in a risk pooling arrangement, including a risk retention group or a risk purchasing group, regulated under chapter 48.92 RCW, or is a captive insurer authorized in its state of domicile; or

(c) Is a hospital licensed under chapter 70.41 RCW or an entity owned, operated, controlled by, or affiliated with such a hospital that participates in a self-insurance risk pool or other risk pooling arrangement, unless the self-insurance pool or other risk pooling arrangement for property and liability risks includes a local government entity."

Correct the title.

Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 5877 Prime Sponsor, Senate Committee on Education: Changing the learning assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PURPOSE. The learning assistance program requirements in this chapter are designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing programs to assist underachieving students. Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

NEW SECTION. Sec. 3. PROGRAM PLAN. By July 1st of each year, a participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval. For the 2004-05 school year, school districts must identify the program activities to be implemented from section 4 of this act and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year, the program plan must identify the program activities to be implemented from section 4 of this act and implement all of the elements in subsections (1) through (8) of this section. The school district plan shall include the following:

(1) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

(2) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

(3) How accelerated learning plans are developed and implemented for participating students.

Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

(a) Achievement goals for the students;

(b) Roles of the student, parents, or guardians and teachers in the plan;

(c) Communication procedures regarding student accomplishment; and

(d) Plan reviews and adjustments processes;

(4) How state level and classroom assessments are used to inform instruction;

(5) How focused and intentional instructional strategies have been identified and implemented;

(6) How highly qualified instructional staff are developed and supported in the program and in participating schools;

(7) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

(8) How a program evaluation will be conducted to determine direction for the following school year.

NEW SECTION. Sec. 4. PROGRAM ACTIVITIES. Use of best practices magnifies the opportunities for student success. The following are services and activities that may be supported by the learning assistance program:

(1) Extended learning time opportunities occurring:

(a) Before or after the regular school day;

(b) On Saturday; and

(c) Beyond the regular school year;

(2) Professional development for certificated and classified staff that focuses on:

(a) The needs of a diverse student population;

(b) Specific literacy and mathematics content and instructional strategies; and

(c) The use of student work to guide effective instruction;

(3) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(4) Tutoring support for participating students; and

(5) Outreach activities and support for parents of participating students.

NEW SECTION. Sec. 5. PLAN APPROVAL PROCESS. A participating school district shall annually submit a program plan to the office of the superintendent of public instruction for approval. The

program plan must address all of the elements in section 3 of this act and identify the program activities to be implemented from section 4 of this act.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

NEW SECTION. Sec. 6. FUNDS--ELIGIBILITY--DISTRIBUTION. Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with the biennial appropriations act. The distribution formula is for school district allocation purposes only. Until the 2008-09 school year, the distribution formula shall be based upon an assessment of students and on one or more family income factors measuring economic need. Beginning with the 2005-06 school year, the distribution formula shall be based on:

(1) For the 2005-06 school year, seventy-five percent on an assessment and twenty-five percent on one or more family income factors measuring economic need;

(2) For the 2006-07 school year, fifty percent on an assessment and fifty percent on one or more family income factors measuring economic need;

(3) For the 2007-08 school year, twenty-five percent on an assessment and seventy-five percent on one or more family income factors measuring economic need; and

(4) For the 2008-09 school year and beyond, one hundred percent on one or more family income factors measuring economic need.

NEW SECTION. Sec. 7. MONITORING. To ensure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every four years. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 8. RULES. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- a. RCW 28A.165.010 (Intent) and 1989 c 233 s 1 & 1987 c 478 s 1;
- b. RCW 28A.165.012 (Program created) and 1987 c 478 s 2;
- c. RCW 28A.165.030 (Definitions) and 1999 c 78 s 1, 1990 c 33 s 148, & 1987 c 478 s 3;
- d. RCW 28A.165.040 (Application for state funds--Needs assessment--Plan) and 1990 c 33 s 149, 1989 c 233 s 2, & 1987 c 478 s 4;
- e. RCW 28A.165.050 (Identification of students--Coordination of use of funds) and 1987 c 478 s 5;
- f. RCW 28A.165.060 (Services or activities under program) and 1989 c 233 s 3 & 1987 c 478 s 6;
- g. RCW 28A.165.070 (Eligibility for funds--Distribution of funds--Development of allocation formula) and 1995 1st sp.s. c 13 s 1, 1993 sp.s. c 24 s 520, 1990 c 33 s 150, & 1987 c 478 s 7;
- h. RCW 28A.165.080 (Monitoring) and 1990 c 33 s 151 & 1987 c 478 s 8; and
- i. RCW 28A.165.090 (Rules) and 1990 c 33 s 152 & 1987 c 478 s 9.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to chapter 28A.165 RCW."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding new sections to chapter 28A.165 RCW; and repealing RCW 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, and 28A.165.090."

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 27, 2004

2SSB 5914 Prime Sponsor, Senate Committee on Ways & Means: Studying potential higher education opportunities in Vancouver. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that southwest Washington continues to be the fastest-growing region in the state and is successfully attracting a wide array of corporations and businesses vital to the future expansion of the economy of the region and the entire state. The legislature also recognizes that southwest Washington is the largest urban area in the state without access to an in-state, public four-year institution of higher education. However, the legislature finds that other areas of the state could also potentially benefit educationally and economically from expanded baccalaureate and graduate education opportunities. With increased demand and limited resources to provide such expansion, the legislature finds it necessary to examine thoroughly and objectively the prospect of creating additional educational opportunities not only in southwest Washington but also in other underserved areas of the state.

NEW SECTION. Sec. 2. (1) The Washington state institute for public policy shall develop evaluation criteria and identify data necessary to study the feasibility of creating additional public baccalaureate and graduate education opportunities in underserved areas of the state. The criteria must be rigorous, objective, and applicable to various regions of the state. The study methodology must include consultation with community leaders. The criteria must include but not be limited to the following:

- (a) A detailed regional analysis of student demand and supply of degree programs from existing higher education institutions;
 - (b) Population and demographic projections for a region;
 - (c) Potential regional economic development, including types of businesses and employers and their educational and work force training needs;
 - (d) Evaluation of alternative models of providing baccalaureate and professional graduate education in a region, including expanding existing partnerships between community and technical colleges and four-year institutions;
 - (e) Examination of the possible role and mission of new or modified higher education institutions in a region, including the possibility of an innovative combination of instruction and research suitable for meeting a region's needs for access as well as support the expansion of a region's economic viability;
 - (f) Analysis of short and long-term operating and capital costs; and
 - (g) A balance between local or regional interests and statewide needs.
- (2) Once the evaluation criteria, data, and methodology have been developed, the institute shall conduct the first feasibility study in southwest Washington.
- (3) The institute shall submit its findings from the first feasibility study to the higher education and fiscal committees of the senate and house of representatives by December 15, 2004.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "and creating new sections."

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Boldt; Chase; Condotta; McCoy; Morrell and Ormsby.

Referred to Committee on Appropriations.

February 27, 2004

E2SSB 5957 Prime Sponsor, Senate Committee on Ways & Means: Establishing a system of standards and procedures concerning water quality data. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The proper collection and review of credible water quality data is necessary to ensure compliance with the requirements of the federal clean water act (33 U.S.C. Sec. 1251 et seq.);

(b) The state needs to assemble and evaluate all existing and readily available water quality-related data and information from sources other than the state water quality agency, such as federal agencies, tribes, universities, and volunteer monitoring groups, if the data meets the state's requirements for data quality; and

(c) Developing and implementing water quality protection measures based on credible water quality data ensures that the financial resources of state and local governments and regulated entities are prioritized to address our state's most important water quality issues.

(2) The legislature intends to ensure that credible water quality data is used as the basis for the assessment of the status of a water body relative to the surface water quality standards.

(3) It is the intent of the legislature that a water body in which pollutant loadings from naturally occurring conditions are the sole cause of a violation of applicable surface water quality standards not be listed as impaired.

NEW SECTION. Sec. 2. The definitions in this section apply to sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Credible data" means data meeting the requirements of section 4 of this act.

(2) "Department" means the Washington state department of ecology.

(3) "Impaired water" means a water body or segment for which credible data exists that: (a) Satisfies the requirements of sections 3 and 4 of this act; and (b) demonstrates the water body should be identified pursuant to 33 U.S.C. Sec. 1313(d).

(4) "Naturally occurring condition" means any condition affecting water quality that is not caused by human influence.

(5) "Section 303(d)" has the same meaning as in the federal clean water act (33 U.S.C. Sec. 1313(d)).

(6) "Total maximum daily load" has the same meaning as in the federal clean water act (33 U.S.C. Sec. 1313(d)).

NEW SECTION. Sec. 3. (1) The department shall use credible information and literature for developing and reviewing a surface water quality standard or technical model used to establish a total maximum daily load for any surface water of the state.

(2) The department shall use credible data for the following actions after the effective date of this section:

(a) Determining whether any water of the state is to be placed on or removed from any section 303(d) list;

(b) Establishing a total maximum daily load for any surface water of the state; or

(c) Determining whether any surface water of the state is supporting its designated use or other classification.

(3) The department shall respond to questions regarding the data, literature, and other information it uses under this section. The department shall reply to requests within five business days acknowledging that the department has received the request and provide a reasonable estimate of the time the department will require to respond to the request.

NEW SECTION. Sec. 4. (1) In collecting and analyzing water quality data for any purpose identified in section 3(2) of this act, data is considered credible data if:

(a) Appropriate quality assurance and quality control procedures were followed and documented in collecting and analyzing water quality samples;

(b) The samples or measurements are representative of water quality conditions at the time the data was collected;

(c) The data consists of an adequate number of samples based on the objectives of the sampling, the nature of the water in question, and the parameters being analyzed; and

(d) Sampling and laboratory analysis conform to methods and protocols generally acceptable in the scientific community as appropriate for use in assessing the condition of the water.

(2) Data interpretation, statistical, and modeling methods shall be those methods generally acceptable in the scientific community as appropriate for use in assessing the condition of the water.

(3) The department shall develop policy:

(a) Explaining how it uses scientific research and literature for developing and reviewing any water quality standard or technical model used to establish a total maximum daily load for any water of the state;

(b) Describing the specific criteria that determine data credibility; and

(c) Defining the appropriate training and experience in order to collect credible data.

NEW SECTION. Sec. 5. Any person who knowingly falsifies data is guilty of a gross misdemeanor.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each added to chapter 90.48 RCW.

NEW SECTION. **Sec. 7.** By December 31, 2005, the department of ecology shall report to the appropriate committees of the senate and the house of representatives concerning the status of activities undertaken to comply with the provisions of this act, and shall report by December 31, 2006 any rule-making or policy development required to implement this act, including changes in listings resulting from the use of credible data."

On page 1, line 1 of the title, after "data;" strike the remainder of the title and insert "adding new sections to chapter 90.48 RCW; creating a new section; and prescribing penalties."

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

February 27, 2004

SB 6091 Prime Sponsor, Senator Esser: Ensuring deployment of personal wireless service facilities.
Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6103 Prime Sponsor, Senate Committee on Commerce & Trade: Making certain types of extreme fighting illegal. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6105 Prime Sponsor, Senate Committee on Judiciary: Revising penalties for animal cruelty.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 6, strike all of line 14 and insert the following
"B Animal Cruelty 1 (16.52.205) C"

Signed by Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2004

ESSB 6112 Prime Sponsor, Senate Committee on Financial Services, Insurance & Housing: Regulating self-funded multiple employer welfare arrangements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

On page 17, after line 3, insert the following:

"NEW SECTION. Sec. 25. (1) The insurance commissioner may not take any action with respect to a self-funded multiple employer welfare arrangement as defined in section 3 of this act, other than adopting rules according to RCW 48.02.060(3)(a), that is not expressly authorized by the provisions of this act.
(2) This section expires one year after the effective date of these provisions."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cooper; Hatfield; Santos and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes; Carrell and Roach.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6113 Prime Sponsor, Senate Committee on Economic Development: Modifying the rural county sales and use tax. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Skinner, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Blake; Chase; Condotta; Kristiansen; McCoy; Ormsby; Pettigrew; Priest and Rodne.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6118 Prime Sponsor, Senate Committee on Parks, Fish & Wildlife: Creating a cougar control pilot program. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department of fish and wildlife, in cooperation and collaboration with the county legislative authorities of Ferry, Stevens, Pend Oreille, Chelan, and Okanogan counties, shall recommend rules to establish a three-year pilot program, beginning September 2004, within select game management units of these counties, to pursue or kill cougars with the aid of dogs. A pursuit season and a kill season with the aid of dogs must be established through the fish and wildlife commission's rule-making process, utilizing local dangerous wildlife task teams comprised of the two collaborating authorities. The two collaborating authorities shall also develop a more effective and accurate dangerous wildlife reporting system to ensure a timely response. The pilot program's primary goals are to provide for public safety, to protect property, and to assess cougar populations.

NEW SECTION. Sec. 2. After July 1, 2004, a county legislative authority may request inclusion in the pilot project authorized by this act after taking the following actions:

- (1) Adopting a resolution that requests inclusion in the pilot project;
- (2) Documenting the need to participate in the pilot program by identifying the number of cougar/human encounters and livestock and pet depredations; and
- (3) Demonstrating that existing cougar depredation permits, public safety cougar hunts, or other existing wildlife management tools have not been sufficient to deal with cougar incidents in the county."

Correct the title.

Signed by Representatives Cooper, Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove, Vice Chairman.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6121 Prime Sponsor, Senator Johnson: Filing a will under seal before the testator's death. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004

ESSB 6136 Prime Sponsor, Senate Committee on Judiciary: Authorizing use of electronic tracking devices for law enforcement purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 4, after line 23, insert the following:

"**NEW SECTION. Sec. 4.** A new section is added to chapter 10.79 RCW to read as follows:

Within a reasonable time, but in no event longer than 30 days after the termination of an investigation, the peace officer or prosecuting attorney who requested a warrant for tracking equipment shall cause to be served on the person named in the warrant an inventory which shall include:

- (1) Notice of the issuance of the warrant;
- (2) The date of the installation of the tracking device;
- (3) The identity of the object into or onto which the device was installed; and
- (4) The period of time authorized for the use of the tracking device.

On an ex parte showing of good cause, the issuing court may postpone or dispense with the serving of the inventory required by this section. The issuing court, upon the filing of a motion, may in its discretion make available to such person or his or her attorney for inspection such portions of the applications, warrants, and results reported to the court, as the court determines to be in the interest of justice."

Renumber the remaining section and correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives McMahan, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2004

ESSB 6140 Prime Sponsor, Senate Committee on Land Use & Planning: Exempting uninhabited electric utility facilities from short plats and subdivision requirements. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 58.17.040 and 2002 c 44 s 1 are each amended to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that

area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan; ~~((and))~~

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations."

Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 27, 2004

SB 6141 Prime Sponsor, Senator Winsley: Clarifying the property taxation of vehicles carrying exempt licenses. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 27, 2004

2SSB 6144 Prime Sponsor, Senate Committee on Ways & Means: Developing a statewide plan to address forest health. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington faces serious forest health problems where forests are overcrowded or trees are infested with or susceptible to insects, diseases, wind, ice storms, and fire. The causes and contributions to these susceptible conditions include fire suppression, past timber harvesting and silvicultural practices, and the amplified risks that occur when the urban interface penetrates forest land.

(2) The legislature further finds that forest health problems may exist on forest land regardless of ownership, and the state should explore all possible avenues for working in collaboration with the federal government to address common health deficiencies.

(3) The legislature further finds that healthy forests benefit not only the economic interests that rely on forest products but also provide environmental benefits, such as improved water quality and habitat for fish and wildlife.

NEW SECTION. Sec. 2. A new section is added to chapter 76.06 RCW to read as follows:

(1) The commissioner of public lands is designated as the state of Washington's lead for all forest health issues.

(2) The commissioner of public lands shall strive to promote communications between the state and the federal government regarding forest land management decisions that potentially affect the health of forests in Washington and will allow the state to have an influence on the management of federally owned land in Washington. Such government-to-government cooperation is vital if the condition of the state's public and private forest lands are to be protected. These activities may include, when deemed by the commissioner to be in the best interest of the state:

(a) Representing the state's interest before all appropriate local, state, and federal agencies;

(b) Assuming the lead state role for developing formal comments on federal forest management plans that may have an impact on the health of forests in Washington; and

(c) Pursuing in an expedited manner any available and appropriate cooperative agreements, including cooperating agency status designation, with the United States forest service and the United States bureau of land management that allow for meaningful participation in any federal land management plans that could affect the department's strategic plan for healthy forests and effective fire prevention and suppression, including the pursuit of any options available for giving effect to the cooperative philosophy contained within the national environmental policy act of 1969 (42 U.S.C. Sec. 4331).

(3) The commissioner of public lands shall report to the chairs of the appropriate standing committees of the legislature every year on progress under this section, including the identification, if deemed appropriate by the commissioner, of any needed statutory changes, policy issues, or funding needs.

NEW SECTION. Sec. 3. The commissioner of public lands shall develop a statewide plan for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington by December 30, 2004. In developing the statewide plan, the commissioner shall work with and consult the work group created in section 4 of this act.

NEW SECTION. Sec. 4. (1) A work group is created to study opportunities to improve the forest health issues enumerated in section 1 of this act that are facing forest land in Washington and to help the commissioner of public lands develop a strategic plan under section 3 of this act. The work group may, if deemed necessary, identify and focus on regions of the state where forest health issues enumerated in section 1 of this act are the most critical.

(2)(a) The work group is comprised of individuals selected on the basis of their knowledge of forests, forest ecology, or forest health issues and, if determined by the commissioner of public lands to be necessary, should represent a mix of individuals with knowledge regarding specific regions of the state. Members of the work group shall be appointed by the commissioner of public lands, unless otherwise specified, and shall include:

(i) The commissioner of public lands or the commissioner's designee, who shall serve as chair;

(ii) A representative of a statewide industrial timber landowner's group;

(iii) A landowner representative from the small forest landowner advisory committee established in RCW 76.13.110;

(iv) A representative of a college within a state university that specializes in forestry or natural resources science;

- (v) A representative of an environmental organization;
 - (vi) A representative of a county that has within its borders state-owned forest lands that are known to suffer from the forest health deficiencies enumerated in section 1 of this act;
 - (vii) A representative of the Washington state department of fish and wildlife;
 - (viii) A forest hydrologist, an entomologist, and a fire ecologist, if available;
 - (ix) A representative of the governor appointed by the governor; and
 - (x) A representative of a professional forestry organization.
- (b) In addition to the membership of the work group outlined in this section, the commissioner of public lands shall also invite the full and equal participation of:
- (i) A representative of a tribal government located in a region of the state where the forest health issues enumerated in section 1 of this act are present; and
 - (ii) A representative of both the United States forest service and the United States fish and wildlife service stationed to work primarily in Washington.
- (3) The work group shall:
- (a) Determine whether the goals and requirements of chapter 76.06 RCW are being met with regard to the identification, designation, and reduction of significant forest insect and disease threats to public and private forest resources, and whether the provisions of chapter 76.06 RCW are the most effective and appropriate way to address forest health issues;
 - (b) Study what incentives could be used to assist landowners with the costs of creating and maintaining forest health;
 - (c) Identify opportunities and barriers for improved prevention of losses of public and private resources to forest insects, diseases, wind, and fire;
 - (d) Assist the commissioner in developing a strategic plan under section 3 of this act for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington;
 - (e) Develop funding alternatives for consideration by the legislature;
 - (f) Explore possible opportunities for the state to enter into cooperative agreements with the federal government, or other avenues for the state to provide input on the management of federally owned land in Washington;
 - (g) Develop recommendations for the proper treatment of infested and fire and wind damaged forests on public and private lands within the context of working with interdisciplinary teams under the forest practices act to ensure that forest health is achieved with the protection of fish, wildlife, and other public resources;
 - (h) Analyze the state noxious weed control statutes and procedures (chapter 17.10 RCW) and the extreme hazard regulations adopted under the forest protection laws, to determine if the policies and procedures of these laws are applicable, or could serve as a model to support improved forest health; and
 - (i) Recommend whether the work group should be extended beyond the time that the required report has been submitted.
- (4) The work group shall submit to the department of natural resources and the appropriate standing committees of the legislature, no later than December 30, 2004, its findings and recommendations for legislation that is necessary to implement the findings.
- (5) The department of natural resources shall provide technical and staff support from existing staff for the work group created by this section.
- (6) This section expires June 30, 2005.

NEW SECTION. Sec. 5. A new section is added to chapter 79.15 RCW to read as follows:

- (1) The legislature intends to ensure, to the extent feasible given all applicable trust responsibilities, that trust beneficiaries receive long-term income from timber lands through improved forest conditions and by reducing the threat of forest fire to state trust forest lands.
- (2) In order to implement the intent of subsection (1) of this section, the department may initiate contract harvesting timber sales, or other silvicultural treatments when appropriate, in specific areas of state trust forest land where the department has identified forest health deficiencies caused by disease or pests. All harvesting or silvicultural treatments applied under this section must be tailored to improve the health of the specific stand, must be consistent with any applicable state forest plans and other management agreements, and must comply with all applicable state and federal laws and regulations regarding the harvest of timber by the department of natural resources.
- (3) In utilizing contract harvesting to address forest health issues as outlined in this section, the department shall give priority to silvicultural treatments that assist the department in meeting targets included in any management or landscape plans that exist for individual state forests.

Sec. 6. RCW 79.15.510 and 2003 c 313 s 3 are each amended to read as follows:

- (1) The department may establish a contract harvesting program ~~((by))~~ for directly contracting for the removal of timber and other valuable materials from state lands and for conducting silvicultural treatments consistent with section 5 of this act.

(2) The contract requirements must be compatible with the office of financial management's guide to public service contracts.

(3) The department may not use contract harvesting for more than ten percent of the total annual volume of timber offered for sale. However, volume removed primarily to address an identified forest health issue under section 5 of this act may not be included in calculating the ten percent annual limit of contract harvesting sales.

Sec. 7. RCW 79.15.520 and 2003 c 313 s 4 are each amended to read as follows:

(1) The contract harvesting revolving account is created in the custody of the state treasurer. All receipts from the gross proceeds of the sale of logs from a contract harvesting sale must be deposited into the account. Expenditures from the account may be used only for the payment of harvesting costs incurred on contract harvesting sales and for payment of costs incurred from silvicultural treatments necessary to improve forest health conducted under section 5 of this act. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The board of natural resources has oversight of the account, and the commissioner must periodically report to the board of natural resources as to the status of the account, its disbursement, and receipts. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) When the logs from a contract harvesting sale are sold, the gross proceeds must be deposited into the contract harvesting revolving account. Moneys equal to the harvesting costs must be retained in the account and be deducted from the gross proceeds to determine the net proceeds. The net proceeds from the sale of the logs must be distributed in accordance with RCW ~~((43.85.130))~~ 43.30.325(1)(b). The final receipt of gross proceeds on a contract harvesting sale must be retained in the contract harvesting revolving account until all required costs for that sale have been paid. The contract harvesting revolving account is an interest-bearing account and the interest must be credited to the account. The account balance may not exceed one million dollars at the end of each fiscal year. Moneys in excess of one million dollars must be disbursed according to RCW ~~((76.12.030, 76.12.120))~~ 79.22.040, 79.22.050, and 79.64.040. If the department permanently discontinues the use of contract harvesting sales, any sums remaining in the contract harvesting revolving account must be returned to the resource management cost account and the forest development account in proportion to each account's contribution to the initial balance of the contract harvesting revolving account.

Sec. 8. RCW 79.15.500 and 2003 c 313 s 2 are each amended to read as follows:

The definitions in this section apply throughout ~~((this chapter))~~ RCW 79.15.500 through 79.15.530 and section 5 of this act unless the context clearly requires otherwise.

(1) "Commissioner" means the commissioner of public lands.

(2) "Contract harvesting" means a timber operation occurring on state forest lands, in which the department contracts with a firm or individual to perform all the necessary harvesting work to process trees into logs sorted by department specifications. The department then sells the individual log sorts.

(3) "Department" means the department of natural resources.

(4) "Harvesting costs" are those expenses related to the production of log sorts from a stand of timber. These expenses typically involve road building, labor for felling, bucking, and yarding, as well as the transporting of sorted logs to the forest product purchasers.

(5) "Net proceeds" means gross proceeds from a contract harvesting sale less harvesting costs.

(6) "Silvicultural treatment" means any vegetative or other treatment applied to a managed forest to improve the conditions of the stand, and may include harvesting, thinning, prescribed burning, and pruning.

Sec. 9. 2003 c 313 s 13 (uncodified) is amended to read as follows:

By December 31, 2006, the department of natural resources must provide a report to the appropriate committees of the legislature ~~((concerning))~~ that provides:

(1) An accounting of the costs and effectiveness of the contract harvesting program; and

(2) A summary of sales carried out under the contract harvesting program primarily for silvicultural treatments that are permitted under section 5 of this act. ~~((The report must be submitted by December 31, 2006.))~~

NEW SECTION. Sec. 10. Sections 5 through 8 of this act are intended to provide interim tools to the department of natural resources to address forest health issues on state land prior to the completion of the assignment given to the work group in section 4 of this act. As such, sections 5 through 8 of this act expire December 31, 2007.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

Referred to Committee on Appropriations.

February 27, 2004

SSB 6146 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Encouraging renewable energy and energy efficiency businesses in Washington. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 27, 2004

ESSB 6153 Prime Sponsor, Senate Committee on Financial Services, Insurance & Housing: Notifying home buyers of where information regarding registered sex offenders may be obtained. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6155 Prime Sponsor, Senate Committee on Agriculture: Preventing the spread of horticultural pests and diseases. Reported by Committee on Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.743 and 2001 1st sp.s. c 12 s 1 are each amended to read as follows:

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical:

(a) Outdoor burning shall not be allowed in any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning.

(b) Outdoor burning shall not be allowed in any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available. In no event shall such burning be allowed after December 31, 2000, except that within the urban growth areas for cities having a population of less than five thousand people, that are neither within nor contiguous with any nonattainment or maintenance area designated under the federal clean air act, in no event shall such burning be allowed after December 31, 2006.

(c) Notwithstanding any other provision of this section, outdoor burning may be allowed for the exclusive purpose of managing storm or flood-related debris. The decision to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject to (a) or (b) of this subsection, a permit shall be required, and a fee may be collected to cover the expenses of administering and enforcing the permit. All conditions and restrictions pursuant to RCW 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this section.

(d)(i) Outdoor burning that is normal, necessary, and customary to ongoing agricultural activities, that is consistent with agricultural burning authorized under RCW 70.94.650 and 70.94.656, is allowed within the urban growth area as defined in (b) of this subsection if the burning is not conducted during air quality episodes, or where a determination of impaired air quality has been made as provided in RCW 70.94.473, and the agricultural activities preceded the designation as an urban growth area.

(ii) Outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land, shall be allowed as an ongoing agricultural activity under this section if a local horticultural pest and disease board formed under chapter 15.09 RCW, an extension office agent with Washington State University that has horticultural experience, or an entomologist employed by the department of agriculture, has determined in writing that burning is an appropriate method to prevent or control the spread of horticultural pests or diseases.

(2) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(3) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas."

Correct the title.

Signed by Representatives Cooper, Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Uptegrove, Vice Chairman.

Passed to Committee on Rules for second reading.

February 27, 2004

ESB 6158 Prime Sponsor, Senator Prentice: Changing the scope of the Washington insurance guarantee association act. (REVISED FOR ENGROSSED: Creating the longshore and harbor workers' compensation act insurance guarantee committee.) Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the consumers who purchase workers' compensation insurance from the private marketplace in Washington are not protected from the insolvency and liquidation of these insurers. The legislature further finds that it is in the best interest of the citizens of this state to provide a mechanism to protect these policyholders from the insolvency of their insurers. The insurance commissioner shall study the impact of covering workers' compensation policies purchased on the commercial market under the Washington guarantee association.

The insurance commissioner shall study and develop recommendations regarding the following:

The impact and effectiveness of covering longshore and harbor workers' compensation act insurance, as defined in 33 U.S.C. Sec. 901 et seq., under the Washington guarantee association. In the conduct of this study, the insurance commissioner shall consult with appropriate state agencies; United States longshore and harbor workers' compensation act insurers; insurance carriers; insurance agents and brokers; organized labor; the United States longshore and harbor workers' compensation act assigned risk plan; and maritime employers. The department of labor and industries shall consult with this study on an ex officio basis.

The insurance commissioner also shall examine the impact of excluding from guarantee protection workers' compensation policies purchased on the commercial market for employments identified in RCW 51.12.020 and the impact of excluding workers' compensation policies purchased by tribal employers and other groups affected by commercial market workers' compensation products.

The insurance commissioner shall report the results of these studies to the legislature not later than December 1, 2004."

Correct the title.

Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6163 Prime Sponsor, Senator Johnson: Authorizing school building construction demonstration projects by second class school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Anderson; Cox; McMahan and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Haigh; Hunter and Rockefeller.

Passed to Committee on Capital Budget.

February 27, 2004

SSB 6166 Prime Sponsor, Senate Committee on Financial Services, Insurance & Housing: Funding group life insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

On page 2, line 28, after "may" strike all material through "elect," on line 30 and insert "~~((, if seventy-five percent of the then insured employees or labor union members or public employee association members or members of the Washington state patrol elect,))~~"

Signed by Representatives Schual-Berke, Chairman; G. Simpson, Vice Chairman; Benson, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Cairnes; Carrell; Cooper; Hatfield; Roach; Santos and D. Simpson.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6171 Prime Sponsor, Senate Committee on Education: Regarding misconduct investigations conducted by the superintendent of public instruction. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.410.095 and 1992 c 159 s 5 are each amended to read as follows:

(1) The superintendent of public instruction may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it. For the purpose of any investigation or proceeding under this chapter, the superintendent or any officer designated by the superintendent may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the superintendent deems relevant and material to the inquiry.

(2) Investigations conducted by the superintendent of public instruction concerning alleged sexual misconduct towards a child shall be completed within one year of the initiation of the investigation or within thirty days of the completion of all proceedings, including court proceedings, resulting from an investigation conducted by law enforcement or child protective services if there is such an investigation. The superintendent of public instruction may take, for reasonable cause, additional time for completion of the investigation after informing the victim, the individual being investigated, and the school district that employs the individual being investigated of the reasons additional time is needed and the amount of additional time needed. Written notification must be provided to each of the parties who must be informed. The sole remedy for a failure to complete an investigation of sexual misconduct within the time allowed by this subsection is a civil penalty of fifty dollars per day for each day beyond the allowed time.

(3) If any person fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the superintendent, may issue to that person an order requiring him or her to appear before the court and to show cause why he or she should not be compelled to obey the subpoena, and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt.

(4) Once an investigation has been initiated by the superintendent of public instruction, the investigation shall be completed regardless of whether the individual being investigated has resigned his or her position or allowed his or her teaching certificate to lapse. The superintendent shall make a written finding regarding each investigation indicating the actions taken, including a statement of the reasons why a complaint was dismissed or did not warrant further investigation or action by the superintendent, and shall provide such notice to each person

who filed the complaint. Written findings under this section are subject to public disclosure under chapter 42.17 RCW.

(5) An investigation into sexual or physical abuse of a student by a school employee shall only be initiated by the superintendent of public instruction after the superintendent of public instruction verifies that the incident has been reported to the proper law enforcement agency or the department of social and health services as required under RCW 26.44.030.

Sec. 2. RCW 28A.410.090 and 1996 c 126 s 2 are each amended to read as follows:

(1) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state.

If the superintendent of public instruction has reasonable cause to believe that an alleged violation of this chapter or rules adopted under it has occurred based on a written complaint filed by a parent or another person, but no complaint has been ~~((filed pursuant to this chapter))~~ forwarded to the superintendent by a school district superintendent, educational service district superintendent, or private school administrator, and that a school district superintendent, educational service district superintendent, or private school administrator has sufficient notice of the alleged violation and opportunity to file a complaint, the superintendent of public instruction may cause an investigation to be made of the alleged violation, together with such other matters that may be disclosed in the course of the investigation related to certificated personnel.

(2) A parent or another person may file a written complaint with the superintendent of public instruction alleging that a certificated school employee has committed a violation of this chapter or rules adopted under it if:

(a) The parent or other person has already filed a written complaint with the educational service district superintendent concerning that employee;

(b) The educational service district superintendent has not caused an investigation of the allegations and has not forwarded the complaint to the superintendent of public instruction for investigation; and

(c) The written complaint states the grounds and factual basis upon which the parent or other person believes an investigation should be conducted.

(3) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after July 23, 1989. Revocation of any certificate or permit authorized under this chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section."

On page 1, line 2 of the title, after "instruction;" strike the remainder of the title and insert "amending RCW 28A.410.095 and 28A.410.090; and prescribing penalties."

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Referred to Committee on Appropriations.

February 27, 2004

ESB 6188 Prime Sponsor, Senator Esser: Authorizing electronic notice and other communications within the Washington nonprofit corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 24.03.005 and 2002 c 74 s 4 are each amended to read as follows:
As used in this chapter, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a corporation not for profit subject to the provisions of this chapter, except a foreign corporation.

(2) "Foreign corporation" means a corporation not for profit organized under laws other than the laws of this state.

(3) "Not for profit corporation" or "nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers.

(4) "Articles of incorporation" and "articles" mean the original articles of incorporation and all amendments thereto, and includes articles of merger and restated articles.

(5) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Member" means an individual or entity having membership rights in a corporation in accordance with the provisions of its articles or incorporation or bylaws.

(7) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated in the articles or bylaws.

(8) "Insolvent" means inability of a corporation to pay debts as they become due in the usual course of its affairs.

(9) ~~("Duplicate originals" means two copies, original or otherwise, each with original signatures, or one original with original signatures and one copy thereof.)~~ "Deliver" means: (a) Mailing; (b) transmission by facsimile equipment, for purposes of delivering a demand, consent, notice, or waiver to the corporation or one of its officers, directors, or members; (c) electronic transmission, in accordance with the officer's, director's, or member's consent, for purposes of delivering a demand, consent, notice, or waiver to the corporation or one of its officers, directors, or members under section 4 of this act; and (d) as prescribed by the secretary of state for purposes of submitting a record for filing with the secretary of state.

(10) "Conforms to law" as used in connection with duties of the secretary of state in reviewing ~~((documents))~~ records for filing under this chapter, means the secretary of state has determined that the ~~((document))~~ record complies as to form with the applicable requirements of this chapter.

(11) "Effective date" means, in connection with a ~~((document))~~ record filing made by the secretary of state, the date which is shown by affixing a "filed" stamp on the ~~((documents))~~ records. When a ~~((document))~~ record is received for filing by the secretary of state in a form which complies with the requirements of this chapter and which would entitle the ~~((document))~~ record to be filed immediately upon receipt, but the secretary of state's approval action occurs subsequent to the date of receipt, the secretary of state's filing date shall relate back to the date on which the secretary of state first received the ~~((document))~~ record in acceptable form. An applicant may request a specific effective date no more than thirty days later than the receipt date which might otherwise be applied as the effective date.

(12) "Electronic transmission" means an electronic communication (a) not directly involving the physical transfer of a record in a tangible medium and (b) that may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be directly reproduced in a tangible medium by a sender and recipient.

(13) "Electronically transmitted" means the initiation of an electronic transmission.

(14) "Execute," "executes," or "executed" means (a) signed, with respect to a written record or (b) electronically transmitted along with sufficient information to determine the sender's identity, with respect to an electronic transmission, or (c) filed in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state, with respect to a record to be filed with the secretary of state.

(15) "Executed by an officer of the corporation," or words of similar import, means that any ~~((document signed))~~ record executed by such person shall be and is ~~((signed))~~ executed by that person under penalties of perjury and in an official and authorized capacity on behalf of the corporation or person making the ~~((document))~~ record submission with the secretary of state and, for the purpose of ~~((documents))~~ records filed electronically with the secretary of state, in compliance with the rules adopted by the secretary of state for electronic filing.

~~((13))~~ (16) "An officer of the corporation" means, in connection with the execution of ~~((documents))~~ records submitted for filing with the secretary of state, the president, a vice president, the secretary, or the treasurer of the corporation.

~~((14))~~ (17) "Public benefit not for profit corporation" or "public benefit nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors, or officers and that holds a current tax exempt status as provided under 26 U.S.C. Sec. 501(c)(3) or is specifically exempted from the requirement to apply for its tax exempt status under 26 U.S.C. Sec. 501(c)(3).

(18) "Record" means information inscribed on a tangible medium or contained in an electronic transmission.

(19) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(20) "Writing" does not include an electronic transmission.

(21) "Written" means embodied in a tangible medium.

Sec. 2. RCW 24.03.007 and 2002 c 74 s 5 are each amended to read as follows:

The secretary of state may adopt rules to facilitate electronic filing. The rules will detail the circumstances under which the electronic filing of ~~((documents))~~ records will be permitted, how the ~~((documents))~~ records will be filed, and how the secretary of state will return filed ~~((documents))~~ records. The rules may also impose additional requirements related to implementation of electronic filing processes, including but not limited to file formats, signature technologies, delivery, and the types of entities~~(,-records,-)~~ or ~~((documents))~~ records permitted.

Sec. 3. RCW 24.03.008 and 2002 c 74 s 6 are each amended to read as follows:

A ~~((document))~~ record submitted to the secretary of state for filing under this chapter must be accompanied by an exact or conformed copy of the ~~((document))~~ record, unless the secretary of state provides by rule that an exact or conformed copy is not required.

NEW SECTION. Sec. 4. A new section is added to chapter 24.03 RCW to read as follows:

- (1) A notice to be provided by electronic transmission must be electronically transmitted.
- (2) Notice to members and directors in an electronic transmission that otherwise complies with the requirements of this chapter is effective only with respect to members and directors who have consented, in the form of a record, to receive electronically transmitted notices under this chapter.
 - (a) Notice to members and directors includes material that this chapter requires or permits to accompany the notice.
 - (b) A member or director who provides consent, in the form of a record, to receipt of electronically transmitted notices shall designate in the consent the message format accessible to the recipient, and the address, location, or system to which these notices may be electronically transmitted.
 - (c) A member or director who has consented to receipt of electronically transmitted notices may revoke the consent by delivering a revocation to the corporation in the form of a record.
 - (d) The consent of any member or director is revoked if the corporation is unable to electronically transmit two consecutive notices given by the corporation in accordance with the consent, and this inability becomes known to the secretary of the corporation or other person responsible for giving the notice. The inadvertent failure by the corporation to treat this inability as a revocation does not invalidate any meeting or other action.
- (3) Notice to members or directors who have consented to receipt of electronically transmitted notices may be provided notice by posting the notice on an electronic network and delivering to the member or director a separate record of the posting, together with comprehensible instructions regarding how to obtain access to this posting on the electronic network.
- (4) Notice provided in an electronic transmission is effective when it: (a) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose, and is made pursuant to the consent provided by the recipient; or (b) has been posted on an electronic network and a separate record of the posting has been delivered to the recipient together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

Sec. 5. RCW 24.03.017 and 1982 c 35 s 73 are each amended to read as follows:

Any corporation organized under any act of the state of Washington for any one or more of the purposes for which a corporation may be organized under this chapter and for no purpose other than those permitted by this chapter, and to which this chapter does not otherwise apply, may elect to have this chapter and the provisions thereof apply to such corporation. Such corporation may so elect by having a resolution to do so adopted by the governing body of such corporation and by delivering to the secretary of state a statement of election in accordance with this section. Such statement of election shall be executed ~~((in duplicate))~~ by the corporation by an officer of the corporation, and shall set forth:

- (1) The name of the corporation;
- (2) The act which created the corporation or pursuant to which it was organized;
- (3) That the governing body of the corporation has elected to have this chapter and the provisions thereof apply to ~~((said))~~ the corporation.

~~((Duplicate originals of such))~~ The statement of election shall be delivered to the secretary of state. If the secretary of state finds that the statement of election conforms to law, the secretary of state shall, when fees in the same amount as required by this chapter for filing articles of incorporation have been paid, endorse on ~~((each of such duplicates))~~ the statement the word "filed" and the effective date of the filing thereof, shall file ~~((one of such duplicate originals))~~ the statement, and shall issue a certificate of elective coverage to which ~~((the other duplicate original))~~ an exact or conformed copy of the statement shall be affixed.

The certificate of elective coverage together with the ~~((duplicate original))~~ exact or conformed copy of the statement affixed thereto by the secretary of state shall be returned to the corporation or its representative. Upon the filing of the statement of elective coverage, the provisions of this chapter shall apply to ~~((said))~~ the corporation which thereafter shall be subject to and shall have the benefits of this chapter and the provisions thereof as they exist on the date of filing such statement of election and as they may be amended from time to time thereafter, including, without limiting the generality of the foregoing, the power to amend its charter or

articles of incorporation, whether or not created by special act of the legislature, delete provisions therefrom and add provisions thereto in any manner and to any extent it may choose to do from time to time so long as its amended articles shall not be inconsistent with the provisions of this chapter.

Sec. 6. RCW 24.03.020 and 1986 c 240 s 3 are each amended to read as follows:

One or more persons of the age of eighteen years or more, or a domestic or foreign, profit or nonprofit, corporation, may act as incorporator or incorporators of a corporation by (~~(signing)~~) executing and delivering to the secretary of state articles of incorporation for such corporation.

Sec. 7. RCW 24.03.045 and 1998 c 102 s 3 are each amended to read as follows:

The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2)(a) Except as provided in (b) and (c) of this subsection, must be distinguishable upon the records of the secretary of state from:

(i) The corporate name or reserved name of a corporation or domestic corporation organized or authorized to transact business under this chapter;

(ii) A corporate name reserved or registered under chapter 23B.04 RCW;

(iii) The fictitious name adopted under RCW 23B.15.060 by a foreign corporation authorized to transact business in this state because its real name is unavailable;

(iv) The name or reserved name of a mutual corporation or miscellaneous corporation incorporated or authorized to do business under chapter 24.06 RCW;

(v) The name or reserved name of a foreign or domestic limited partnership formed or registered under chapter 25.10 RCW;

(vi) The name or reserved name of a limited liability company organized or registered under chapter 25.15 RCW; and

(vii) The name or reserved name of a limited liability partnership registered under chapter 25.04 RCW.

(b) A corporation may apply to the secretary of state for authorization to use a name that is not distinguishable upon the records from one or more of the names described in (a) of this subsection. The secretary of state shall authorize use of the name applied for if:

(i) The other corporation, company, holder, limited liability partnership, or limited partnership consents to the use in (~~(writing)~~) the form of a record and files with the secretary of state (~~(documents)~~) records necessary to change its name or the name reserved or registered to a name that is distinguishable upon the records of the secretary of state from the name of the applying corporation; or

(ii) The applicant delivers to the secretary of state a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(c) A corporation may use the name, including the fictitious name, of another domestic or foreign corporation, limited liability company, limited partnership, or limited liability partnership, that is used in this state if the other entity is formed or authorized to transact business in this state, and the proposed user corporation:

(i) Has merged with the other corporation, limited liability company, or limited partnership; or

(ii) Has been formed by reorganization of the other corporation.

(3) Shall be transliterated into letters of the English alphabet, if it is not in English.

(4) Shall not include or end with "incorporated," "company," "corporation," "partnership," "limited partnership," or "Ltd.," or any abbreviation thereof, but may use "club," "league," "association," "services," "committee," "fund," "society," "foundation," ".", a nonprofit corporation," or any name of like import.

(5) May only include the term "public benefit" or names of like import if the corporation has been designated as a public benefit nonprofit corporation by the secretary in accordance with this chapter.

(6) A name shall not be considered distinguishable upon the records of the secretary of state by virtue of:

(a) A variation in any of the following designations for the same name: "Corporation," "incorporated," "company," "limited," "partnership," "limited partnership," "limited liability company," or "limited liability partnership," or the abbreviations "corp.," "inc.," "co.," "ltd.," "LP," "L.P.," "LLP," "L.L.P.," "LLC," or "L.L.C.";

(b) The addition or deletion of an article or conjunction such as "the" or "and" from the same name;

(c) Punctuation, capitalization, or special characters or symbols in the same name; or

(d) Use of abbreviation or the plural form of a word in the same name.

(7) This title does not control the use of assumed business names or "trade names."

Sec. 8. RCW 24.03.050 and 1986 c 240 s 9 are each amended to read as follows:

Each corporation shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its principal office. The registered office shall be at a specific geographic location in this state, and be identified by number, if any, and street, or building address or rural route, or, if a commonly known street or rural route address does not exist, by legal

description. A registered office may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary of state may permit the use of a post office address in conjunction with the registered office address if the corporation also maintains on file the specific geographic address of the registered office where personal service of process may be made.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, having an office identical with such registered office, or a domestic limited liability company whose business office is identical with the registered office, or a foreign limited liability company authorized to conduct affairs in this state whose business address is identical with the registered office. A registered agent shall not be appointed without having given prior ~~((written))~~ consent to the appointment, in the form of a record. The ~~((written))~~ consent shall be filed with the secretary of state in such form as the secretary may prescribe. The ~~((written))~~ consent shall be filed with or as a part of the ~~((document))~~ record first appointing a registered agent. In the event any individual ~~((or))~~, corporation, or limited liability company has been appointed agent without consent, that person ~~((or))~~, corporation, or limited liability company may file a notarized statement attesting to that fact, and the name shall ~~((forthwith))~~ immediately be removed from the records of the secretary of state.

No Washington corporation or foreign corporation authorized to conduct affairs in this state may be permitted to maintain any action in any court in this state until the corporation complies with the requirements of this section.

Sec. 9. RCW 24.03.055 and 1993 c 356 s 3 are each amended to read as follows:

A corporation may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state in the form prescribed by the secretary of state a statement setting forth:

- (1) The name of the corporation.
- (2) If the current registered office is to be changed, the street address to which the registered office is to be changed.
- (3) If the current registered agent is to be changed, the name of the new registered agent.
- (4) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.

Such statement shall be executed by the corporation by an officer of the corporation, and delivered to the secretary of state, together with a ~~((written))~~ consent, in the form of a record, of the registered agent to ~~((his or its))~~ the appointment, if applicable. If the secretary of state finds that such statement conforms to the provisions of this chapter, the secretary of state shall endorse thereon the word "Filed," and the month, day, and year of the filing thereof, and file the statement. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent of a corporation may resign as such agent upon filing a ~~((written))~~ notice thereof, ~~((executed in duplicate))~~ in the form of a record, with the secretary of state, who shall ~~((forthwith mail a))~~ immediately deliver an exact or conformed copy thereof to the corporation in care of an officer, who is not the resigning registered agent, at the address of such officer as shown by the most recent annual report of the corporation. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes the agent's business address to another place within the state, the agent may change such address and the address of the registered office of any corporation of which the agent is a registered agent, by filing a statement as required by this section except that it need be ~~((signed))~~ executed only by the registered agent, it need not be responsive to subsection (3) of this section, and it must recite that a copy of the statement has been ~~((mailed))~~ delivered to the secretary of the corporation.

Sec. 10. RCW 24.03.080 and 1969 ex. s. c 115 s 1 are each amended to read as follows:

~~((Written or printed))~~ (1) Notice, in the form of a record, in a tangible medium, or in an electronic transmission, stating the place, day, and hour of the annual meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, ~~((either personally or by mail,))~~ by or at the direction of the president, or the secretary, or the officers or persons calling the meeting, to each member entitled to vote at such meeting. Notice of regular meetings other than annual shall be made by providing each member with the adopted schedule of regular meetings for the ensuing year at any time after the annual meeting and ten days prior to the next succeeding regular meeting and at any time when requested by a member or by such other notice as may be prescribed by the bylaws.

(2) If notice is provided in a tangible medium, it may be transmitted by: Mail, private carrier, or personal delivery; telegraph or teletype; or telephone, wire, or wireless equipment that transmits a facsimile of the notice. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his or her address as it appears on the records of the corporation, with postage thereon prepaid. Other forms of notice in a tangible medium described in this subsection are effective when received.

(3) If notice is provided in an electronic transmission, it must satisfy the requirements of section 4 of this act.

Sec. 11. RCW 24.03.085 and 1969 ex.s. c 115 s 2 are each amended to read as follows:

(1) The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the articles of incorporation or the bylaws. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

(2) A member may vote in person or, if so authorized by the articles of incorporation or the bylaws, may vote by mail, by electronic transmission, or by proxy in the form of a record executed ~~((in writing))~~ by the member or ~~((by his))~~ a duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

~~((Where))~~ (3) If specifically permitted by the articles of incorporation or bylaws, whenever proposals or directors or officers are to be elected by members, the ~~((bylaws may provide that such elections may be conducted))~~ vote may be taken by mail or by electronic transmission if the name of each candidate and the text of each proposal to be voted upon are set forth in a record accompanying or contained in the notice of meeting. If the bylaws provide, an election may be conducted by electronic transmission if the corporation has designated an address, location, or system to which the ballot may be electronically transmitted and the ballot is electronically transmitted to the designated address, location, or system, in an executed electronically transmitted record. Members voting by mail or electronic transmission are present for all purposes of quorum, count of votes, and percentages of total voting power present.

(4) The articles of incorporation or the bylaws may provide that in all elections for directors every member entitled to vote shall have the right to cumulate his vote and to give one candidate a number of votes equal to his vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

Sec. 12. RCW 24.03.113 and 1986 c 240 s 19 are each amended to read as follows:

A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless the director's dissent or abstention shall be entered in the minutes of the meeting or unless the director shall ~~((file))~~ deliver his or her ~~((written))~~ dissent or abstention to such action ~~((with))~~ to the person acting as the secretary of the meeting before the adjournment thereof, or shall ~~((forward))~~ deliver such dissent or abstention ~~((by registered mail))~~ to the secretary of the corporation immediately after the adjournment of the meeting which dissent or abstention must be in the form of a record. Such right to dissent or abstain shall not apply to a director who voted in favor of such action.

Sec. 13. RCW 24.03.120 and 1986 c 240 s 21 are each amended to read as follows:

Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors or of any committee designated by the board of directors may be held with or without notice as prescribed in the bylaws. Special meeting of the board of directors or any committee designated by the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director or a committee member at a meeting shall constitute a waiver of notice of such meeting, except where a director or a committee member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated by the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws. If notice of regular or special meetings is provided by electronic transmission, it must satisfy the requirements of section 4 of this act.

Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated by the board of directors may participate in a meeting of such board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting.

Sec. 14. RCW 24.03.135 and 1986 c 240 s 24 are each amended to read as follows:

Each corporation shall keep at its registered office, its principal office in this state, or at its secretary's office if in this state, the following documents in the form of a record:

- (1) Current articles and bylaws;
- (2) A ~~((record))~~ list of members, including names, addresses, and classes of membership, if any;
- (3) Correct and adequate ~~((records))~~ statements of accounts and finances;
- (4) A ~~((record))~~ list of officers' and directors' names and addresses;

(5) Minutes of the proceedings of the members, if any, the board, and any minutes which may be maintained by committees of the board. ~~((Records may be written, or electronic if capable of being converted to writing.))~~

The corporate records shall be open at any reasonable time to inspection by any member of more than three months standing or a representative of more than five percent of the membership.

Cost of inspecting or copying shall be borne by such member except for costs for copies of articles or bylaws. Any such member must have a purpose for inspection reasonably related to membership interests. Use or sale of members' lists by such member if obtained by inspection is prohibited.

The superior court of the corporation's or such member's residence may order inspection and may appoint independent inspectors. Such member shall pay inspection costs unless the court orders otherwise.

Sec. 15. RCW 24.03.155 and 1986 c 240 s 26 are each amended to read as follows:

After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this state, at the call of a majority of the directors named in the articles of incorporation, for the purpose of adopting bylaws, electing officers and the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least three days' notice thereof by mail, facsimile transmission, or electronic transmission to each director so named, which notice shall be in the form of a record and shall state the time and place of the meeting. If notice is provided by electronic transmission, it must satisfy the requirements of section 4 of this act. Any action permitted to be taken at the organization meeting of the directors may be taken without a meeting if each director ~~((signs an instrument))~~ executes a record stating the action so taken.

Sec. 16. RCW 24.03.165 and 1986 c 240 s 27 are each amended to read as follows:

Amendments to the articles of incorporation shall be made in the following manner:

(1) Where there are members having voting rights, with regard to the question, the board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. ~~((Written or printed))~~ Notice in the form of a record setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving of notice of meetings of members. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, with regard to the question, an amendment shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Any number of amendments may be submitted and voted upon at any one meeting.

Sec. 17. RCW 24.03.170 and 1982 c 35 s 85 are each amended to read as follows:

The articles of amendment shall be executed ~~((in duplicate))~~ by the corporation by an officer of the corporation, and shall set forth:

(1) The name of the corporation.

(2) The amendment so adopted.

(3) Where there are members having voting rights, (a) a statement setting forth the date of the meeting of members at which the amendment was adopted, that a quorum was present at such meeting, and that such amendment received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such amendment was adopted by a consent in ~~((writing signed))~~ the form of a record executed by all members entitled to vote with respect thereto.

(4) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the amendment was adopted, and a statement of the fact that such amendment received the vote of a majority of the directors in office.

Sec. 18. RCW 24.03.183 and 2002 c 74 s 9 are each amended to read as follows:

A domestic corporation may at any time restate its articles of incorporation by a resolution adopted by the board of directors. A corporation may amend and restate in one resolution, but may not present the amendments and restatement for filing by the secretary in a single ~~((document))~~ record. Separate articles of amendment, under RCW 24.03.165 and articles of restatement, under this section, must be presented notwithstanding the corporation's adoption of a single resolution of amendment and restatement.

Upon the adoption of the resolution, restated articles of incorporation shall be executed ~~((in duplicate))~~ by the corporation by one of its officers. The restated articles shall set forth all of the operative provisions of the articles of incorporation together with a statement that the restated articles of incorporation correctly set forth without change the provisions of the articles of incorporation as amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

The restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles of incorporation conform to law, the secretary of state shall, when all fees required by this title have been paid:

- (1) Endorse on the articles the word "Filed" and the date of the filing;
- (2) File the restated articles.

An exact or conformed copy of the restated articles of incorporation bearing the endorsement affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Upon the filing of the restated articles of incorporation by the secretary of state, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

Sec. 19. RCW 24.03.195 and 1986 c 240 s 32 are each amended to read as follows:

A plan of merger or consolidation shall be adopted in the following manner:

(1) Where the members of any merging or consolidating corporation have voting rights with regard to the question, the board of directors of such corporation shall adopt a resolution approving the proposed plan and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. ~~((Written or printed))~~ Notice in the form of a record setting forth the proposed plan or a summary thereof shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this chapter for the giving of notice of meetings of members. The proposed plan shall be adopted upon receiving at least two-thirds of the votes which members present at each such meeting or represented by proxy are entitled to cast.

(2) Where any merging or consolidating corporation has no members, or no members having voting rights with regard to the question, a plan of merger or consolidation shall be adopted at a meeting of the board of directors of such corporation upon receiving the vote of a majority of the directors in office.

After such approval, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Sec. 20. RCW 24.03.200 and 2002 c 74 s 10 are each amended to read as follows:

(1) Upon such approval, articles of merger or articles of consolidation shall be executed by each corporation by an officer of each corporation, and shall set forth:

(a) The plan of merger or the plan of consolidation;

(b) Where the members of any merging or consolidating corporation have voting rights, then as to each such corporation (i) a statement setting forth the date of the meeting of members at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (ii) a statement that such amendment was adopted by a consent in ~~((writing signed))~~ the form of a record executed by all members entitled to vote with respect thereto;

(c) Where any merging or consolidating corporation has no members, or no members having voting rights, then as to each such corporation a statement of such fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office.

(2) The articles of merger or articles of consolidation shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, the secretary of state shall, when all fees have been paid as in this chapter prescribed:

(a) Endorse on the articles of merger or consolidation the word "Filed," and the date of the filing;

(b) File the articles of merger or consolidation.

An exact or conformed copy of the articles of merger or articles of consolidation bearing the filing endorsement affixed thereto by the secretary of state, shall be returned to the surviving or new corporation, as the case may be, or its representative.

Sec. 21. RCW 24.03.207 and 1986 c 240 s 35 are each amended to read as follows:

One or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner, if such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized:

(1) Each domestic corporation shall comply with the provisions of this title with respect to the merger or consolidation as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(2) If the surviving or new corporation in a merger or consolidation is to be governed by the laws of any state other than this state, it shall comply with the provisions of this title with respect to foreign corporations if it is to transact business in this state, and in every case it shall file with the secretary of state of this state:

(a) An agreement that it may be served with process in this state in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to the merger or consolidation and in any

proceeding for the enforcement of the rights, if any, of a member of any such domestic corporation against the surviving or new corporation; and

(b) An irrevocable appointment of the secretary of state of this state as its agent to accept service of process in any such proceeding.

The effect of the merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of this state. If the surviving or new corporation is to be governed by the laws of any state other than this state, the effect of the merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except as the laws of the other state provide otherwise.

(3) At any time prior to the effective date of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provision therefor, if any, set forth in the plan of merger or consolidation. In the event the merger or consolidation is abandoned, the parties thereto shall execute a notice of abandonment in triplicate (~~(signed)~~ executed) by an officer for each corporation (~~(signing)~~ executing) the notice, which must be in the form of a record. If the secretary of state finds the notice conforms to law, the secretary of state shall:

(a) Endorse on each of the originals the word "Filed" and the date of the filing;

(b) File one of the triplicate originals in the secretary of state's office; and

(c) Issue the other triplicate originals to the respective parties or their representatives.

Sec. 22. RCW 24.03.215 and 1986 c 240 s 36 are each amended to read as follows:

A sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation, if not in the ordinary course of business, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

(1) Where there are members having voting rights with regard to the question, the board of directors shall adopt a resolution recommending such sale, lease, exchange, or other disposition and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. (~~Written or printed~~) Notice in the form of a record stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each member entitled to vote at such meeting, within the time and in the manner provided by this chapter for the giving of notice of meetings of members. At such meeting the members may authorize such sale, lease, exchange, or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast. After such authorization by a vote of members, the board of directors, nevertheless, in its discretion, may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by members.

(2) Where there are no members, or no members having voting rights with regard to the question, a sale, lease, exchange, or other disposition of all, or substantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office.

Sec. 23. RCW 24.03.220 and 1986 c 240 s 38 are each amended to read as follows:

A corporation may dissolve and wind up its affairs in the following manner:

(1) Where there are members having voting rights with regard to the question, the board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of members having such voting rights, which may be either an annual or a special meeting. (~~Written or printed~~) Notice in the form of a record stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. A resolution to dissolve the corporation shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights with regard to the question, the dissolution of the corporation shall be authorized at a meeting of the board of directors upon the adoption of a resolution to dissolve by the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation shall cease to conduct its affairs except in so far as may be necessary for the winding up thereof, shall immediately cause a notice of the proposed dissolution to be mailed to each known creditor of the corporation, to the attorney general with respect to assets subject to RCW 24.03.225(3), and to the department of revenue, and shall proceed to collect its assets and apply and distribute them as provided in this chapter.

Sec. 24. RCW 24.03.230 and 1969 ex.s. c 115 s 3 are each amended to read as follows:

A plan providing for the distribution of assets, not inconsistent with the provisions of this chapter, may be adopted by a corporation in the process of dissolution and shall be adopted by a corporation for the purpose of authorizing any transfer or conveyance of assets for which this chapter requires a plan of distribution, in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. ~~((Written or printed))~~ Notice in the form of a record setting forth the proposed plan of distribution or a summary thereof shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. Such plan of distribution shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, a plan of distribution shall be adopted at a meeting of the board of directors upon receiving a vote of a majority of the directors in office.

If the plan of distribution includes assets received and held by the corporation subject to limitations described in subsection (3) of RCW 24.03.225, notice of the adoption of the proposed plan shall be submitted to the attorney general by registered or certified mail directed to him at his office in Olympia, at least twenty days prior to the meeting at which the proposed plan is to be adopted. No plan for the distribution of such assets may be adopted without the approval of the attorney general, or the approval of a court of competent jurisdiction in a proceeding to which the attorney general is made a party. In the event that an objection is not filed within twenty days after the date of mailing, his approval shall be deemed to have been given.

Sec. 25. RCW 24.03.235 and 1967 c 235 s 48 are each amended to read as follows:

A corporation may, at any time prior to the issuance of a certificate of dissolution by the secretary of state, revoke the action theretofore taken to dissolve the corporation, in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. ~~((Written or printed))~~ Notice in the form of a record stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this chapter for the giving of notice of meetings of members. A resolution to revoke the voluntary dissolution proceedings shall be adopted upon receiving at least two-thirds of the votes which members present at such meeting or represented by proxy are entitled to cast.

(2) Where there are no members, or no members having voting rights, a resolution to revoke the voluntary dissolution proceedings shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation may thereupon again conduct its affairs.

Sec. 26. RCW 24.03.240 and 1993 c 356 s 4 are each amended to read as follows:

If voluntary dissolution proceedings have not been revoked, then when all debts, liabilities and obligations of the corporation shall have been paid and discharged, or adequate provision shall have been made therefor, and all of the remaining property and assets of the corporation shall have been transferred, conveyed or distributed in accordance with the provisions of this chapter, articles of dissolution shall be executed ~~((in duplicate))~~ by the corporation by an officer of the corporation and shall set forth:

(1) The name of the corporation.

(2) Where there are members having voting rights, (a) a statement setting forth the date of the meeting of members at which the resolution to dissolve was adopted, that a quorum was present at such meeting, and that such resolution received at least two-thirds of the votes which members present at such meeting or represented by proxy were entitled to cast, or (b) a statement that such resolution was adopted by a consent in ~~((writing signed))~~ the form of a record executed by all members entitled to vote with respect thereto.

(3) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the resolution to dissolve was adopted and a statement of the fact that such resolution received the vote of a majority of the directors in office.

(4) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.

(5) A copy of a revenue clearance certificate issued pursuant to chapter 82.32 RCW.

(6) That all the remaining property and assets of the corporation have been transferred, conveyed or distributed in accordance with the provisions of this chapter.

(7) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

Sec. 27. RCW 24.03.330 and 2002 c 74 s 13 are each amended to read as follows:

The application of the corporation for a certificate of authority shall be delivered to the secretary of state. If the secretary of state finds that such application conforms to law, the secretary of state shall, when all fees have been paid as in this chapter prescribed:

- (1) Endorse on each of ~~((such documents))~~ the records the word "Filed," and the date of the filing.
- (2) File the application and the copy of the articles of incorporation and amendments thereto.
- (3) Issue a certificate of authority to conduct affairs in this state.

An exact or conformed copy of the application bearing the filing endorsement affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Sec. 28. RCW 24.03.332 and 1998 c 23 s 12 are each amended to read as follows:

For those corporations that have a certificate of authority, are applying for, or intend to apply for a certificate of authority from the insurance commissioner as an insurance company under chapter 48.05 RCW, whenever under this chapter corporate ~~((documents))~~ records are required to be filed with the secretary of state, the ~~((documents))~~ records shall be filed with the insurance commissioner rather than the secretary of state.

Sec. 29. RCW 24.03.340 and 1982 c 35 s 101 are each amended to read as follows:

Each foreign corporation authorized to conduct affairs in this state shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its principal office. The registered office shall be at a specific geographic location in this state, and be identified by number, if any, and street, or building address or rural route, or, if a commonly known street or rural route address does not exist, by legal description. A registered office may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary of state may permit the use of a post office address in conjunction with the registered office address if the corporation also maintains on file the specific geographic address of the registered office where personal service of process may be made.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this state, having an office identical with such registered office or a domestic limited liability company whose business office is identical with the registered office or a foreign limited liability company authorized to conduct affairs in this state whose business address is identical with the registered office. A registered agent shall not be appointed without having given prior ~~((written))~~ consent in the form of a record to the appointment. The ~~((written))~~ consent shall be filed with the secretary of state in such form as the secretary may prescribe. The ~~((written))~~ consent shall be filed with or as a part of the ~~((document))~~ record first appointing a registered agent. In the event any individual ~~((or)),~~ corporation, or limited liability company has been appointed agent without consent, that person ~~((or)),~~ corporation, or limited liability company may file a notarized statement attesting to that fact, and the name shall ~~((forthwith))~~ immediately be removed from the records of the secretary of state.

No foreign corporation authorized to transact business in this state may be permitted to maintain any action in any court in this state until the corporation complies with the requirements of this section.

Sec. 30. RCW 24.03.345 and 1993 c 356 s 6 are each amended to read as follows:

A foreign corporation authorized to conduct affairs in this state may change its registered office or change its registered agent, or both, upon filing in the office of the secretary of state in a form approved by the secretary of state a statement setting forth:

- (1) The name of the corporation.
- (2) If the current registered office is to be changed, the street address to which the registered office is to be changed.
- (3) If the current registered agent is to be changed, the name of the new registered agent.
- (4) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.

Such statement shall be executed by the corporation by an officer of the corporation, and delivered to the secretary of state, together with a ~~((written))~~ consent, in the form of a record, of the registered agent to ~~((his or its))~~ the appointment, if applicable. If the secretary of state finds that such statement conforms to the provisions of this chapter, the secretary of state shall endorse thereon the word "Filed," and the month, day, and year of the filing thereof, and file the statement. The change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective upon filing unless a later date is specified.

Any registered agent in this state appointed by a foreign corporation may resign as such agent upon filing a ~~((written))~~ notice thereof, in the form of a record, executed in duplicate, with the secretary of state who shall ~~((forthwith mail))~~ immediately deliver a copy thereof to the secretary of the foreign corporation at its principal office as shown by its most recent annual report. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the secretary of state.

If a registered agent changes his or her business address to another place within the state, the registered agent may change such address and the address of the registered office of any corporation of which the registered agent is a registered agent by filing a statement as required by this section, except that it need be ~~((signed))~~ executed only by the registered agent, it need not be responsive to subsection (3) of this section, and it must recite that a copy of the statement has been ~~((mailed))~~ delivered to the corporation.

Sec. 31. RCW 24.03.365 and 1967 c 235 s 74 are each amended to read as follows:

A foreign corporation authorized to conduct affairs in this state shall procure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in this state other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the secretary of state.

The requirements in respect to the form and contents of such application, the manner of its execution, the filing of ~~((duplicate originals thereof))~~ the application with the secretary of state, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority.

Sec. 32. RCW 24.03.380 and 1986 c 240 s 50 are each amended to read as follows:

(1) The certificate of authority of a foreign corporation to conduct affairs in this state shall be revoked by the secretary of state upon the conditions prescribed in this section when:

(a) The corporation has failed to file its annual report within the time required by this chapter, or has failed to pay any fees or penalties prescribed by this chapter when they have become due and payable; or

(b) The corporation has failed for thirty days to appoint and maintain a registered agent in this state as required by this chapter; or

(c) The corporation has failed, for thirty days after change of its registered agent or registered office, to file in the office of the secretary of state a statement of such change as required by this chapter; or

(d) The corporation has continued to exceed or abuse the authority conferred upon it by this chapter; or

(e) A misrepresentation has been made of any material matter in any application, report, affidavit, or other ~~((document))~~ record submitted by such corporation pursuant to this chapter.

(2) Prior to revoking a certificate of authority under subsection (1) of this section, the secretary of state shall give the corporation written notice of the corporation's delinquency or omission by first class mail, postage prepaid, addressed to the corporation's registered agent. If, according to the records of the secretary of state, the corporation does not have a registered agent, the notice may be given by mail addressed to the corporation at its last known address or at the address of any officer or director of the corporation, as shown by the records of the secretary of state. Notice is deemed to have been given five days after the date deposited in the United States mail, correctly addressed, and with correct postage affixed. The notice shall inform the corporation that its certificate of authority shall be revoked at the expiration of sixty days following the date the notice had been deemed to have been given, unless it corrects the delinquency or omission within the sixty-day period.

(3) Any notice provided by the secretary of state under this section shall be designed to clearly identify and warn the recipient of the contents thereof. A delinquency notice shall provide a succinct and readable description of the delinquency or omission, the date on which dissolution will occur, and the action necessary to cure the delinquency or omission prior to dissolution.

(4) The attorney general may take such action regarding revocation of a certificate of authority as is provided by RCW 24.03.250 for the dissolution of a domestic corporation. The procedures of RCW 24.03.250 shall apply to any action under this section. The clerk of any superior court entering a decree of revocation of a certificate of authority shall file a certified copy, without cost or filing fee, with the office of the secretary of state.

Sec. 33. RCW 24.03.410 and 1993 c 269 s 6 are each amended to read as follows:

The secretary of state shall establish fees by rule and collect:

(1) For furnishing a certified copy of any charter document or any other ~~((document))~~ record, instrument, or paper relating to a corporation.

(2) For furnishing a certificate, under seal, attesting to the status of a corporation or any other certificate.

(3) For furnishing copies of any ~~((document))~~ record, instrument or paper relating to a corporation.

(4) At the time of any service of process on him or her as registered agent of a corporation an amount that may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec. 34. RCW 24.03.425 and 1967 c 235 s 86 are each amended to read as follows:

Each director and officer of a corporation, domestic or foreign, who fails or refuses within the time prescribed by this chapter to answer truthfully and fully interrogatories propounded to him or her by the secretary of state in accordance with the provisions of this chapter, or who signs any articles, statement, report, application or other ~~((document))~~ record filed with the secretary of state which is known to such officer or director to be false

in any material respect, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof may be fined in any amount not exceeding five hundred dollars.

Sec. 35. RCW 24.03.430 and 1982 c 35 s 112 are each amended to read as follows:

The secretary of state may propound to any corporation, domestic or foreign, subject to the provisions of this chapter, and to any officer or director thereof, such interrogatories as may be reasonably necessary and proper to enable the secretary of state to ascertain whether such corporation has complied with all the provisions of this chapter applicable to such corporation. Such interrogatories shall be answered within thirty days after the mailing thereof, or within such additional time as shall be fixed by the secretary of state, and the answers thereto shall be full and complete and shall be made in writing and under oath. If such interrogatories be directed to an individual they shall be answered by ~~((him))~~ that individual, and if directed to a corporation they shall be answered by the president, vice president, secretary or assistant secretary thereof. The secretary of state need not file any ~~((document))~~ record to which such interrogatories relate until such interrogatories be answered as herein provided, and not then if the answers thereto disclose that such ~~((document))~~ record is not in conformity with the provisions of this chapter. The secretary of state shall certify to the attorney general, for such action as the attorney general may deem appropriate, all interrogatories and answers thereto which disclose a violation of any of the provisions of this chapter.

Sec. 36. RCW 24.03.445 and 1986 c 240 s 56 are each amended to read as follows:

If the secretary of state shall fail to approve any articles of incorporation, amendment, merger, consolidation or dissolution, or any other ~~((document))~~ record required by this chapter to be approved by the secretary of state before the same shall be filed in his or her office, the secretary of state shall give written notice of disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. Within thirty days from such disapproval such person or corporation may appeal to the superior court pursuant to the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 37. RCW 24.03.450 and 1982 c 35 s 116 are each amended to read as follows:

All certificates issued by the secretary of state in accordance with the provisions of this chapter, and all copies of ~~((documents))~~ records filed in the office of the secretary of state in accordance with the provisions of this chapter when certified by the secretary of state under the seal of the state, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated. A certificate by the secretary of state under the seal of this state, as to the existence or nonexistence of the facts relating to corporations which would not appear from a certified copy of any of the ~~((foregoing documents))~~ records or certificates under this section shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or nonexistence of the facts therein stated.

Sec. 38. RCW 24.03.460 and 1967 c 235 s 93 are each amended to read as follows:

Whenever any notice is required to be given to any member or director of a corporation under the provisions of this chapter or under the provisions of the articles of incorporation or bylaws of the corporation, a waiver ~~((thereof in writing signed))~~ in the form of a record executed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Sec. 39. RCW 24.03.465 and 1967 c 235 s 94 are each amended to read as follows:

Any action required by this chapter to be taken at a meeting of the members or directors of a corporation, or any action which may be taken at a meeting of the members or directors, may be taken without a meeting if a consent in ~~((writing))~~ the form of a record, setting forth the action so taken, shall be ~~((signed))~~ executed by all of the members entitled to vote with respect to the subject matter thereof, or all of the directors, as the case may be.

Such consent shall have the same force and effect as a unanimous vote, and may be stated as such in any articles or ~~((document))~~ record filed with the secretary of state under this chapter.

NEW SECTION. Sec. 40. A new section is added to chapter 24.06 RCW to read as follows:

In addition to any other rights and powers granted under this chapter, any mutual or miscellaneous corporation that was organized under this chapter prior to the effective date of this section and conducts its business on a cooperative basis is entitled, by means of an express election contained in its articles of incorporation or bylaws, to avail itself of part or all of the additional rights and powers granted to cooperative associations under RCW 23.86.105(1), 23.86.160, and 23.86.170, and, if the corporation is a consumer cooperative, under RCW 23.86.030 (1) and (2)."

Correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6189 Prime Sponsor, Senate Committee on Judiciary: Regulating receiverships. Reported by
Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PURPOSE. The purpose of this act is to create more comprehensive, streamlined, and cost-effective procedures applicable to proceedings in which property of a person is administered by the courts of this state for the benefit of creditors and other persons having an interest therein.

NEW SECTION. Sec. 2. A new section is added to chapter 7.60 RCW to read as follows:
DEFINITIONS. The definitions in this section apply throughout this chapter unless the context requires otherwise.

- (1) "Court" means the superior court of this state in which the receivership is pending.
- (2) "Entity" means a person other than a natural person.
- (3) "Estate" means the entirety of the property with respect to which a receiver's appointment applies, but does not include trust fund taxes or property of an individual person exempt from execution under the laws of this state. Estate property includes any nonexempt interest in property that is partially exempt, including fee title to property subject to a homestead exemption under chapter 6.13 RCW.
- (4) "Executory contract" means a contract where the obligation of both the person over whose property the receiver is appointed and the other party to the contract are so far unperformed that the failure of either party to the contract to complete performance would constitute a material breach of the contract, thereby excusing the other party's performance of the contract.
- (5) "Insolvent" or "insolvency" means a financial condition of a person such that the sum of the person's debts and other obligations is greater than all of that person's property, at a fair valuation, exclusive of (a) property transferred, concealed, or removed with intent to hinder, delay, or defraud any creditors of the person, and (b) any property exempt from execution under any statutes of this state.
- (6) "Lien" means a charge against or interest in property to secure payment of a debt or the performance of an obligation.
- (7) "Notice and a hearing" or any similar phrase means notice and opportunity for a hearing.
- (8) "Person" means an individual, corporation, limited liability company, general partnership, limited partnership, limited liability partnership, association, governmental entity, or other entity, of any kind or nature.
- (9) "Property" includes all right, title, and interests, both legal and equitable, and including any community property interest, in or with respect to any property of a person with respect to which a receiver is appointed, regardless of the manner by which the property has been or is acquired. "Property" includes any proceeds, products, offspring, rents, or profits of or from property in the estate. "Property" does not include any power that a person may exercise solely for the benefit of another person or trust fund taxes.
- (10) "Receiver" means a person appointed by the court as the court's agent, and subject to the court's direction, to take possession of, manage, or dispose of property of a person.
- (11) "Receivership" means the case in which the receiver is appointed. "General receivership" means a receivership in which a general receiver is appointed. "Custodial receivership" means a receivership in which a custodial receiver is appointed.
- (12) "Security interest" means a lien created by an agreement.
- (13) "State agent" and "state agency" means any office, department, division, bureau, board, commission, or other agency of the state of Washington or of any subdivision thereof, or any individual acting in an official capacity on behalf of any state agent or state agency.
- (14) "Utility" means a person providing any service regulated by the utilities and transportation commission.

NEW SECTION. Sec. 3. A new section is added to chapter 7.60 RCW to read as follows:
TYPES OF RECEIVERS. A receiver must be either a general receiver or a custodial receiver. A receiver must be a general receiver if the receiver is appointed to take possession and control of all or substantially all of a person's property with authority to liquidate that property and, in the case of a business over which the receiver is appointed, wind up affairs. A receiver must be a custodial receiver if the receiver is

appointed to take charge of limited or specific property of a person or is not given authority to liquidate property. The court shall specify in the order appointing a receiver whether the receiver is appointed as a general receiver or as a custodial receiver. When the sole basis for the appointment is the pendency of an action to foreclose upon a lien against real property, or the giving of a notice of a trustee's sale under RCW 61.24.040 or a notice of forfeiture under RCW 61.30.040, the court shall appoint the receiver as a custodial receiver. The court by order may convert either a general receivership or a custodial receivership into the other.

NEW SECTION. Sec. 4. A new section is added to chapter 7.60 RCW to read as follows:

APPOINTMENT OF RECEIVER. (1) A receiver may be appointed by the superior court of this state in the following instances, but except in any case in which a receiver's appointment is expressly required by statute, or any case in which a receiver's appointment is sought by a state agent whose authority to seek the appointment of a receiver is expressly conferred by statute, or any case in which a receiver's appointment with respect to real property is sought under (b)(ii) of this subsection, a receiver shall be appointed only if the court additionally determines that the appointment of a receiver is reasonably necessary and that other available remedies either are not available or are inadequate:

(a) On application of any party, when the party is determined to have a probable right to or interest in property that is a subject of the action and in the possession of an adverse party, or when the property or its revenue-producing potential is in danger of being lost or materially injured or impaired. A receiver may be appointed under this subsection (1)(a) whether or not the application for appointment of a receiver is combined with, or is ancillary to, an action seeking a money judgment or other relief;

(b) Provisionally, during the pendency of any action to foreclose upon any lien against or for forfeiture of any interest in real or personal property, or after notice of a trustee's sale has been given under RCW 61.24.040, or after notice of forfeiture has been given under RCW 61.30.040, on application of any person, when the interest in the property that is the subject of foreclosure or forfeiture of the person seeking the receiver's appointment is determined to be probable and either:

(i) The property or its revenue-producing potential is in danger of being lost or materially injured or impaired; or

(ii) The appointment of a receiver with respect to the real or personal property that is the subject of the action, the notice of trustee's sale or notice of forfeiture is provided for by agreement or is reasonably necessary to effectuate or enforce an assignment of rents or other revenues from the property;

(c) After judgment, in order to give effect to the judgment;

(d) To dispose of property according to provisions of a judgment dealing with its disposition;

(e) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or after the issuance of any execution, to preserve or protect it, or prevent its transfer;

(f) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;

(g) Upon an attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction, or where the abandoned property's owner has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;

(h) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;

(i) In an action against any person who is not an individual if the object of the action is the dissolution of that person, or if that person has been dissolved, or if that person is insolvent or is not generally paying the person's debts as those debts become due unless they are the subject of bona fide dispute, or if that person is in imminent danger of insolvency;

(j) In accordance with RCW 7.08.030 (4) and (6), in cases in which a general assignment for the benefit of creditors has been made;

(k) In quo warranto proceedings under chapter 7.56 RCW;

(l) As provided under RCW 11.64.022;

(m) In an action by the department of licensing under RCW 18.35.220(3) with respect to persons engaged in the business of dispensing of hearing aids, RCW 18.85.350 in the case of persons engaged in the business of a real estate broker, associate real estate broker, or real estate salesperson, or RCW 19.105.470 with respect to persons engaged in the business of camping resorts;

(n) In an action under RCW 18.44.470 or 18.44.490 in the case of persons engaged in the business of escrow agents;

(o) Upon a petition with respect to a nursing home in accordance with and subject to receivership provisions under chapter 18.51 RCW;

(p) Under RCW 19.40.071(3), in connection with a proceeding for relief with respect to a transfer fraudulent as to a creditor or creditors;

(q) Under RCW 19.100.210(1), in an action by the attorney general or director of financial institutions to restrain any actual or threatened violation of the franchise investment protection act;

(r) In an action by the attorney general or by a prosecuting attorney under RCW 19.110.160 with respect to a seller of business opportunities;

(s) In an action by the director of financial institutions under RCW 21.20.390 in cases involving actual or threatened violations of the securities act of Washington or under RCW 21.30.120 in cases involving actual or threatened violations of chapter 21.30 RCW with respect to certain businesses and transactions involving commodities;

(t) In an action for dissolution of a business corporation under RCW 23B.14.310 or 23B.14.320, for dissolution of a nonprofit corporation under RCW 24.03.270, for dissolution of a mutual corporation under RCW 24.06.305, or in any other action for the dissolution or winding up of any other entity provided for by Title 23, 23B, 24, or 25 RCW;

(u) In any action in which the dissolution of any public or private entity is sought, in any action involving any dispute with respect to the ownership or governance of such an entity, or upon the application of a person having an interest in such an entity when the appointment is reasonably necessary to protect the property of the entity or its business or other interests;

(v) Under RCW 25.05.215, in aid of a charging order with respect to a partner's interest in a partnership;

(w) Under and subject to RCW 30.44.100, 30.44.270, and 30.56.030, in the case of a bank or trust company or, under and subject to RCW 32.24.070 through 32.24.090, in the case of a mutual savings bank;

(x) Under and subject to RCW 31.12.637 and 31.12.671 through 31.12.724, in the case of credit unions;

(y) Upon the application of the director of financial institutions under RCW 31.35.090 in actions to enforce chapter 31.35 RCW applicable to agricultural lenders, under RCW 31.40.120 in actions to enforce chapter 31.40 RCW applicable to entities engaged in federally guaranteed small business loans, under RCW 31.45.160 in actions to enforce chapter 31.45 RCW applicable to persons licensed as check cashers or check sellers, or under RCW 19.230.230 in actions to enforce chapter 19.230 RCW applicable to persons licensed under the uniform money services act;

(z) Under RCW 35.82.090 or 35.82.180, with respect to a housing project;

(aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce rights under any revenue bonds issued for the purpose of financing industrial development facilities or bonds of the Washington state housing finance commission, or any financing document securing any such bonds;

(bb) Under and subject to RCW 43.70.195, in an action by the secretary of health or by a local health officer with respect to a public water system;

(cc) As contemplated by RCW 61.24.030, with respect to real property that is the subject of nonjudicial foreclosure proceedings under chapter 61.24 RCW;

(dd) As contemplated by RCW 61.30.030(3), with respect to real property that is the subject of judicial or nonjudicial forfeiture proceedings under chapter 61.30 RCW;

(ee) Under RCW 64.32.200(2), in an action to foreclose upon a lien for common expenses against a dwelling unit subject to the horizontal property regimes act, chapter 64.32 RCW;

(ff) Under RCW 64.34.364(10), in an action by a unit owners' association to foreclose a lien for nonpayment of delinquent assessments against condominium units;

(gg) Upon application of the attorney general under RCW 64.36.220(3), in aid of any writ or order restraining or enjoining violations of chapter 64.36 RCW applicable to timeshares;

(hh) Under RCW 70.95A.050(3), in aid of the enforcement of payment or performance of municipal bonds issued with respect to facilities used to abate, control, or prevent pollution;

(ii) Upon the application of the department of social and health services under RCW 74.42.580, in cases involving nursing homes;

(jj) Upon the application of the utilities and transportation commission under RCW 80.28.040, with respect to a water company that has failed to comply with an order of such commission within the time deadline specified therein;

(kk) Under RCW 87.56.065, in connection with the dissolution of an irrigation district;

(ll) Upon application of the attorney general or the department of licensing, in any proceeding that either of them are authorized by statute to bring to enforce Title 18 or 19 RCW; the securities act of Washington, chapter 21.20 RCW; the Washington commodities act, chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or under chapter 64.36 RCW relating to the regulation of timeshares;

(mm) Upon application of the director of financial institutions in any proceeding that the director of financial institutions is authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW; or

(nn) In such other cases as may be provided for by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties.

(2) The superior courts of this state shall appoint as receiver of property located in this state a person who has been appointed by a federal or state court located elsewhere as receiver with respect to the property specifically or with respect to the owner's property generally, upon the application of the person or of any party to that foreign proceeding, and following the appointment shall give effect to orders, judgments, and decrees of

the foreign court affecting the property in this state held by the receiver, unless the court determines that to do so would be manifestly unjust or inequitable. The venue of such a proceeding may be any county in which the person resides or maintains any office, or any county in which any property over which the receiver is to be appointed is located at the time the proceeding is commenced.

(3) At least seven days' notice of any application for the appointment of a receiver shall be given to the owner of property to be subject thereto and to all other parties in the action, and to other parties in interest as the court may require. If any execution by a judgment creditor under Title 6 RCW or any application by a judgment creditor for the appointment of a receiver, with respect to property over which the receiver's appointment is sought, is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also shall be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

(4) The order appointing a receiver in all cases shall reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than all of the owner's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver is a general receiver with the authority to take charge over all of the owner's property, wherever located.

(5) The court may condition the appointment of a receiver upon the giving of security by the person seeking the receiver's appointment, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

NEW SECTION. Sec. 5. A new section is added to chapter 7.60 RCW to read as follows:

ELIGIBILITY TO SERVE AS RECEIVER. Except as provided in this chapter or otherwise by statute, any person, whether or not a resident of this state, may serve as a receiver, with the exception that a person may not be appointed as a receiver, and shall be replaced as receiver if already appointed, if it should appear to the court that the person:

(1) Has been convicted of a felony or other crime involving moral turpitude or is controlled by a person who has been convicted of a felony or other crime involving moral turpitude;

(2) Is a party to the action, or is a parent, grandparent, child, grandchild, sibling, partner, director, officer, agent, attorney, employee, secured or unsecured creditor or lienor of, or holder of any equity interest in, or controls or is controlled by, the person whose property is to be held by the receiver, or who is the agent or attorney of any disqualified person;

(3) Has an interest materially adverse to the interest of persons to be affected by the receivership generally; or

(4) Is the sheriff of any county.

NEW SECTION. Sec. 6. A new section is added to chapter 7.60 RCW to read as follows:

RECEIVER'S BOND. Except as otherwise provided for by statute or court rule, before entering upon duties of receiver, a receiver shall execute a bond with one or more sureties approved by the court, in the amount the court specifies, conditioned that the receiver will faithfully discharge the duties of receiver in accordance with orders of the court and state law. Unless otherwise ordered by the court, the receiver's bond runs in favor of all persons having an interest in the receivership proceeding or property held by the receiver and in favor of state agencies. The receiver's bond must provide substantially as follows:

[Case Caption]

RECEIVER'S BOND

TO WHOM IT MAY CONCERN:

KNOW ALL BY THESE PRESENTS, that, as Principal, and, as Surety, are held and firmly bound in the amount of Dollars (\$) for the faithful performance by Principal of the Principal's duties as receiver with respect to property of in accordance with order(s) of such court previously or hereafter entered in the above-captioned proceeding and state law. If the Principal faithfully discharges the duties of receiver in accordance with such orders, this obligation shall be void, but otherwise it will remain in full force and effect.

Dated this . . . day of,

.
[Signature of Receiver]

[Signature of Surety]

The court, in lieu of a bond, may approve the posting of alternative security, such as a letter of credit or a deposit of funds with the clerk of the court, to be held by the clerk to secure the receiver's faithful performance of the receiver's duties in accordance with orders of the court and state law until the court authorizes the release or return of the deposited sums. No part of the property over which the receiver is appointed may be used in making the deposit; however, any interest that may accrue on a deposit ordered by the court shall be remitted to the receiver upon the receiver's discharge. A claim against the bond shall be made within one year from the date the receiver is discharged. Claims by state agencies against the bond shall have priority.

NEW SECTION. Sec. 7. A new section is added to chapter 7.60 RCW to read as follows:

POWERS OF THE COURT. Except as otherwise provided for by this chapter, the court in all cases has exclusive authority over the receiver, and the exclusive possession and right of control with respect to all real property and all tangible and intangible personal property with respect to which the receiver is appointed, wherever located, and the exclusive jurisdiction to determine all controversies relating to the collection, preservation, application, and distribution of all the property, and all claims against the receiver arising out of the exercise of the receiver's powers or the performance of the receiver's duties. However, the court does not have exclusive jurisdiction over actions in which a state agency is a party and in which a statute expressly vests jurisdiction or venue elsewhere.

NEW SECTION. Sec. 8. A new section is added to chapter 7.60 RCW to read as follows:

POWERS AND DUTIES OF RECEIVER GENERALLY. (1) A receiver has the following powers and authority in addition to those specifically conferred by this chapter or otherwise by statute, court rule, or court order:

(a) The power to incur or pay expenses incidental to the receiver's preservation and use of the property with respect to which the appointment applies, and otherwise in the performance of the receiver's duties, including the power to pay obligations incurred prior to the receiver's appointment if and to the extent that payment is determined by the receiver to be prudent in order to preserve the value of property in the receiver's possession and the funds used for this purpose are not subject to any lien or right of setoff in favor of a creditor who has not consented to the payment and whose interest is not otherwise adequately protected;

(b) If the appointment applies to all or substantially all of the property of an operating business or any revenue-producing property of any person, to do all things which the owner of the business or property might do in the ordinary course of the operation of the business as a going concern or use of the property including, but not limited to, the purchase and sale of goods or services in the ordinary course of such business, and the incurring and payment of expenses of the business or property in the ordinary course;

(c) The power to assert any rights, claims, or choses in action of the person over whose property the receiver is appointed relating thereto, if and to the extent that the claims are themselves property within the scope of the appointment or relate to any property, to maintain in the receiver's name or in the name of such a person any action to enforce any right, claim, or chose in action, and to intervene in actions in which the person over whose property the receiver is appointed is a party for the purpose of exercising the powers under this subsection (1)(c);

(d) The power to intervene in any action in which a claim is asserted against the person over whose property the receiver is appointed relating thereto, for the purpose of prosecuting or defending the claim and requesting the transfer of venue of the action to the court. However, the court shall not transfer actions in which both a state agency is a party and as to which a statute expressly vests jurisdiction or venue elsewhere. This power is exercisable with court approval in the case of a liquidating receiver, and with or without court approval in the case of a general receiver;

(e) The power to assert rights, claims, or choses in action of the receiver arising out of transactions in which the receiver is a participant;

(f) The power to pursue in the name of the receiver any claim under chapter 19.40 RCW assertable by any creditor of the person over whose property the receiver is appointed, if pursuit of the claim is determined by the receiver to be appropriate;

(g) The power to seek and obtain advice or instruction from the court with respect to any course of action with respect to which the receiver is uncertain in the exercise of the receiver's powers or the discharge of the receiver's duties;

(h) The power to obtain appraisals with respect to property in the hands of the receiver;

(i) The power by subpoena to compel any person to submit to an examination under oath, in the manner of a deposition in a civil case, with respect to estate property or any other matter that may affect the administration of the receivership; and

(j) Other powers as may be conferred upon the receiver by the court or otherwise by statute or rule.

(2) A receiver has the following duties in addition to those specifically conferred by this chapter or otherwise by statute or court rule:

(a) The duty to notify all federal and state taxing and applicable regulatory agencies of the receiver's appointment in accordance with any applicable laws imposing this duty, including but not limited to 26 U.S.C. Sec. 6036 and RCW 51.14.073, 51.16.160, and 82.32.240, or any successor statutes;

(b) The duty to comply with state law;

(c) If the receiver is appointed with respect to any real property, the duty to file with the auditor of the county in which the real property is located, or the registrar of lands in accordance with RCW 65.12.600 in the case of registered lands, a certified copy of the order of appointment, together with a legal description of the real property if one is not included in that order; and

(d) Other duties as the receiver may be directed to perform by the court or as may be provided for by statute or rule.

(3) The various powers and duties of a receiver provided for by this chapter may be expanded, modified, or limited by order of the court for good cause shown.

NEW SECTION. Sec. 9. A new section is added to chapter 7.60 RCW to read as follows:

TURNOVER OF PROPERTY. Upon demand by a receiver appointed under this chapter, any person shall turn over any property over which the receiver has been appointed that is within the possession or control of that person unless otherwise ordered by the court for good cause shown. A receiver by motion may seek to compel turnover of estate property unless there exists a bona fide dispute with respect to the existence or nature of the receiver's interest in the property, in which case turnover shall be sought by means of an action under section 18 of this act. In the absence of a bona fide dispute with respect to the receiver's right to possession of estate property, the failure to relinquish possession and control to the receiver shall be punishable as a contempt of the court.

NEW SECTION. Sec. 10. A new section is added to chapter 7.60 RCW to read as follows:

DUTIES OF PERSON OVER WHOSE PROPERTY THE RECEIVER IS APPOINTED. The person over whose property the receiver is appointed shall:

(1) Assist and cooperate fully with the receiver in the administration of the estate and the discharge of the receiver's duties, and comply with all orders of the court;

(2) Supply to the receiver information necessary to enable the receiver to complete any schedules that the receiver may be required to file under section 11 of this act, and otherwise assist the receiver in the completion of the schedules;

(3) Upon the receiver's appointment, deliver into the receiver's possession all of the property of the estate in the person's possession, custody, or control, including, but not limited to, all accounts, books, papers, records, and other documents; and

(4) Following the receiver's appointment, submit to examination by the receiver, or by any other person upon order of the court, under oath, concerning the acts, conduct, property, liabilities, and financial condition of that person or any matter relating to the receiver's administration of the estate.

When the person over whose property the receiver is appointed is an entity, each of the officers, directors, managers, members, partners, or other individuals exercising or having the power to exercise control over the affairs of the entity are subject to the requirements of this section.

NEW SECTION. Sec. 11. A new section is added to chapter 7.60 RCW to read as follows:

SCHEDULES OF PROPERTY AND LIABILITIES--INVENTORY OF PROPERTY--APPRAISALS.

(1) In the event of a general assignment of property for the benefit of creditors under chapter 7.08 RCW, the assignment shall have annexed as schedule A a true list of all of the person's known creditors, their mailing addresses, the amount and nature of their claims, and whether their claims are disputed; and as schedule B a true list of all property of the estate, including the estimated liquidation value and location of the property and, if real property, a legal description thereof, as of the date of the assignment.

(2) In all other cases, within twenty days after the date of appointment of a general receiver, the receiver shall file as schedule A a true list of all of the known creditors and applicable regulatory and taxing agencies of the person over whose assets the receiver is appointed, their mailing addresses, the amount and nature of their claims, and whether their claims are disputed; and as schedule B a true list of all property of the estate identifiable by the receiver, including the estimated liquidation value and location of the property and, if real property, a legal description thereof, as of the date of appointment of the receiver.

(3) The schedules must be in substantially the following forms:

SCHEDULE A--CREDITOR LIST

1. List all creditors having security interests or liens, showing:

Name	Address	Amount	Collateral	Whether or not disputed
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2. List all wages, salaries, commissions, or contributions to an employee benefit plan owed, showing:

<i>Name</i>	<i>Address</i>	<i>Amount</i>	<i>Whether or not disputed</i>
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3. List all consumer deposits owed, showing:

<i>Name</i>	<i>Address</i>	<i>Amount</i>	<i>Whether or not disputed</i>
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4. List all taxes owed, showing:

<i>Name</i>	<i>Address</i>	<i>Amount</i>	<i>Whether or not disputed</i>
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5. List all unsecured claims, showing:

<i>Name</i>	<i>Address</i>	<i>Amount</i>	<i>Whether or not disputed</i>
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6. List all owners or shareholders, showing:

<i>Name</i>	<i>Address</i>	<i>Percentage of Ownership</i>
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7. List all applicable regulatory agencies, showing:

<i>Name</i>	<i>Address</i>
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SCHEDULE B--LIST OF PROPERTY

List each category of property and for each give approximate value obtainable for the asset on the date of assignment/appointment of the receiver, and address where asset is located.

I. Nonexempt Property

**Liquidation Value on Date of
Assignment/Appointment of Receiver**

**Description
and Location**

1. **Legal Description
and street address
of real property,
including leasehold
interests:**

Fixtures:

2.

***Cash and bank
accounts:***

3.

Inventory:

4.

***Accounts
receivable:***

5.

Equipment:

6.

***Prepaid expenses,
including deposits,
insurance, rents,
and utilities:***

7.

***Other, including
loans to third
parties, claims, and
choses in action:***

8.

II. Exempt Property

**Liquidation Value on Date of
Assignment/Appointment of Receiver**

**Description
and Location**

I DECLARE under penalty of perjury under the laws of the state of Washington that the foregoing is true, correct, and complete to the best of my knowledge. DATED this . . . day of,, at, state of

.....
[SIGNATURE]

- (4) When schedules are filed by a person making a general assignment of property for the benefit of creditors under chapter 7.08 RCW, the schedules shall be duly verified upon oath by such person.
- (5) The receiver shall obtain an appraisal or other independent valuation of the property in the receiver's possession if ordered by the court.
- (6) The receiver shall file a complete inventory of the property in the receiver's possession if ordered by the court.

NEW SECTION. Sec. 12. A new section is added to chapter 7.60 RCW to read as follows:
RECEIVER'S REPORTS. A general receiver shall file with the court a monthly report of the receiver's operations and financial affairs unless otherwise ordered by the court. Except as otherwise ordered by the court, each report of a general receiver shall be due by the last day of the subsequent month and shall include the following:

- (1) A balance sheet;
- (2) A statement of income and expenses;
- (3) A statement of cash receipts and disbursements;
- (4) A statement of accrued accounts receivable of the receiver. The statement shall disclose amounts considered to be uncollectable;
- (5) A statement of accounts payable of the receiver, including professional fees. The statement shall list the name of each creditor and the amounts owing and remaining unpaid over thirty days; and
- (6) A tax disclosure statement, which shall list postfiling taxes due or tax deposits required, the name of the taxing agency, the amount due, the date due, and an explanation for any failure to make payments or deposits. A custodial receiver shall file with the court all such reports the court may require.

NEW SECTION. Sec. 13. A new section is added to chapter 7.60 RCW to read as follows:
AUTOMATIC STAY OF CERTAIN PROCEEDINGS. (1) Except as otherwise ordered by the court, the entry of an order appointing a general receiver or a custodial receiver with respect to all of a person's property shall operate as a stay, applicable to all persons, of:

- (a) The commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the person over whose property the receiver is appointed that was or could have been commenced before the entry of the order of appointment, or to recover a claim against the person that arose before the entry of the order of appointment;
- (b) The enforcement, against the person over whose property the receiver is appointed or any estate property, of a judgment obtained before the order of appointment;
- (c) Any act to obtain possession of estate property from the receiver, or to interfere with, or exercise control over, estate property;

(d) Any act to create, perfect, or enforce any lien or claim against estate property except by exercise of a right of setoff, to the extent that the lien secures a claim against the person that arose before the entry of the order of appointment; or

(e) Any act to collect, assess, or recover a claim against the person that arose before the entry of the order of appointment.

(2) The stay shall automatically expire as to the acts specified in subsection (1)(a), (b), and (e) of this section sixty days after the entry of the order of appointment unless before the expiration of the sixty-day period the receiver, for good cause shown, obtains an order of the court extending the stay, after notice and a hearing. A person whose action or proceeding is stayed by motion to the court may seek relief from the stay for good cause shown. Any judgment obtained against the person over whose property the receiver is appointed or estate property following the entry of the order of appointment is not a lien against estate property unless the receivership is terminated prior to a conveyance of the property against which the judgment would otherwise constitute a lien.

(3) The entry of an order appointing a receiver does not operate as a stay of:

(a) The commencement or continuation of a criminal proceeding against the person over whose property the receiver is appointed;

(b) The commencement or continuation of an action or proceeding to establish paternity, or to establish or modify an order for alimony, maintenance, or support, or to collect alimony, maintenance, or support under any order of a court;

(c) Any act to perfect, or to maintain or continue the perfection of, an interest in estate property if the interest perfected would be effective against a creditor of the person over whose property the receiver is appointed holding at the time of the entry of the order of appointment either a perfected nonpurchase money security interest under chapter 62A.9A RCW against the property involved, or a lien by attachment, levy, or the like, whether or not such a creditor exists. If perfection of an interest would require seizure of the property involved or the commencement of an action, the perfection shall instead be accomplished by filing, and by serving upon the receiver, or receiver's counsel, if any, notice of the interest within the time fixed by law for seizure or commencement;

(d) The commencement or continuation of an action or proceeding by a governmental unit to enforce its police or regulatory power;

(e) The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce its police or regulatory power, or with respect to any licensure of the person over whose property the receiver is appointed;

(f) The exercise of a right of setoff, including but not limited to (i) any right of a commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to set off a claim for a margin payment or settlement payment arising out of a commodity contract, forward contract, or securities contract against cash, securities, or other property held or due from the commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to margin, guarantee, secure, or settle the commodity contract, forward contract, or securities contract, and (ii) any right of a swap participant to set off a claim for a payment due to the swap participant under or in connection with a swap agreement against any payment due from the swap participant under or in connection with the swap agreement or against cash, securities, or other property of the debtor held by or due from the swap participant to guarantee, secure, or settle the swap agreement; or

(g) The establishment by a governmental unit of any tax liability and any appeal thereof.

NEW SECTION. Sec. 14. A new section is added to chapter 7.60 RCW to read as follows:

UTILITY SERVICE. A utility providing service to estate property may not alter, refuse, or discontinue service to the property without first giving the receiver fifteen days' notice of any default or intention to alter, refuse, or discontinue service to estate property. This section does not prohibit the court, upon motion by the receiver, to prohibit the alteration or cessation of utility service if the receiver can furnish adequate assurance of payment, in the form of deposit or other security, for service to be provided after entry of the order appointing the receiver.

NEW SECTION. Sec. 15. A new section is added to chapter 7.60 RCW to read as follows:

EXECUTORY CONTRACTS AND UNEXPIRED LEASES. (1) A general receiver may assume or reject any executory contract or unexpired lease of the person over whose property the receiver is appointed upon order of the court following notice to the other party to the contract or lease upon notice and a hearing. The court may condition assumption or rejection of any executory contract or unexpired lease on the terms and conditions the court believes are just and proper under the particular circumstances of the case. A general receiver's performance of an executory contract or unexpired lease prior to the court's authorization of its assumption or rejection shall not constitute an assumption of the contract or lease, or an agreement by the receiver to assume it, nor otherwise preclude the receiver thereafter from seeking the court's authority to reject it.

(2) Any obligation or liability incurred by a general receiver on account of the receiver's assumption of an executory contract or unexpired lease shall be treated as an expense of the receivership. A general receiver's

rejection of an executory contract or unexpired lease shall be treated as a breach of the contract or lease occurring immediately prior to the receiver's appointment; and the receiver's right to possess or use property pursuant to any executory contract or lease shall terminate upon rejection of the contract or lease. The other party to an executory contract or unexpired lease that is rejected by a general receiver may take such steps as may be necessary under applicable law to terminate or cancel the contract or lease. The claim of a party to an executory contract or unexpired lease resulting from a general receiver's rejection of it shall be served upon the receiver in the manner provided for by section 23 of this act within thirty days following the rejection.

(3) A general receiver's power under this section to assume an executory contract or unexpired lease shall not be affected by any provision in the contract or lease that would effect or permit a forfeiture, modification, or termination of it on account of either the receiver's appointment, the financial condition of the person over whose property the receiver is appointed, or an assignment for the benefit of creditors by that person.

(4) A general receiver may not assume an executory contract or unexpired lease of the person over whose property the receiver is appointed without the consent of the other party to the contract or lease if:

(a) Applicable law would excuse a party, other than the person over whose property the receiver is appointed, from accepting performance from or rendering performance to anyone other than the person even in the absence of any provisions in the contract or lease expressly restricting or prohibiting an assignment of the person's rights or the performance of the person's duties;

(b) The contract or lease is a contract to make a loan or extend credit or financial accommodations to or for the benefit of the person over whose property the receiver is appointed, or to issue a security of the person; or

(c) The executory contract or lease expires by its own terms, or under applicable law prior to the receiver's assumption thereof.

(5) A receiver may not assign an executory contract or unexpired lease without assuming it, absent the consent of the other parties to the contract or lease.

(6) If the receiver rejects an executory contract or unexpired lease for:

(a) The sale of real property under which the person over whose property the receiver is appointed is the seller and the purchaser is in possession of the real property;

(b) The sale of a real property timeshare interest under which the person over whose property the receiver is appointed is the seller;

(c) The license of intellectual property rights under which the person over whose property the receiver is appointed is the licensor; or

(d) The lease of real property in which the person over whose property the receiver is appointed is the lessor;

then the purchaser, licensee, or lessee may treat the rejection as a termination of the contract, license agreement, or lease, or alternatively, the purchaser, licensee, or lessee may remain in possession in which case the purchaser, licensee, or lessee shall continue to perform all obligations arising thereunder as and when they may fall due, but may offset against any payments any damages occurring on account of the rejection after it occurs. The purchaser of real property in such a case is entitled to receive from the receiver any deed or any other instrument of conveyance which the person over whose property the receiver is appointed is obligated to deliver under the executory contract when the purchaser becomes entitled to receive it, and the deed or instrument has the same force and effect as if given by the person. A purchaser, licensee, or lessee who elects to remain in possession under the terms of this subsection has no rights against the receiver on account of any damages arising from the receiver's rejection except as expressly provided for by this subsection. A purchaser of real property who elects to treat rejection of an executory contract as a termination has a lien against the interest in that real property of the person over whose property the receiver is appointed for the recovery of any portion of the purchase price that the purchaser has paid.

(7) Any contract with the state shall be deemed rejected if not assumed within sixty days of appointment of a general receiver unless the receiver and state agency agree to its assumption.

(8) Nothing in this chapter affects the enforceability of antiassignment prohibitions provided under contract or applicable law.

NEW SECTION. Sec. 16. A new section is added to chapter 7.60 RCW to read as follows:

RECEIVERSHIP FINANCING. (1) If a receiver is authorized to operate the business of a person or manage a person's property, the receiver may obtain unsecured credit and incur unsecured debt in the ordinary course of business allowable under section 25(1)(a) of this act as an administrative expense of the receiver without order of the court.

(2) The court, after notice and a hearing, may authorize a receiver to obtain credit or incur indebtedness other than in the ordinary course of business. The court may allow the receiver to mortgage, pledge, hypothecate, or otherwise encumber estate property as security for repayment of any indebtedness that the receiver may incur.

NEW SECTION. Sec. 17. A new section is added to chapter 7.60 RCW to read as follows:

ABANDONMENT OF PROPERTY. The receiver, or any party in interest, upon order of the court following notice and a hearing, and upon the conditions or terms the court considers just and proper, may

abandon any estate property that is burdensome to the receiver or is of inconsequential value or benefit. However, a receiver may not abandon property that is a hazard or potential hazard to the public in contravention of a state statute or rule that is reasonably designed to protect the public health or safety from identified hazards, including but not limited to chapters 70.105 and 70.105D RCW. Property that is abandoned no longer constitutes estate property.

NEW SECTION. Sec. 18. A new section is added to chapter 7.60 RCW to read as follows:

ACTIONS BY AND AGAINST THE RECEIVER OR AFFECTING PROPERTY HELD BY RECEIVER. (1) The receiver has the right to sue and be sued in the receiver's capacity as such, without leave of court, in all cases necessary or proper for the conduct of the receivership. However, action seeking to dispossess the receiver of any estate property or otherwise to interfere with the receiver's management or control of any estate property may not be maintained or continued unless permitted by order of the court obtained upon notice and a hearing.

(2) Litigation by or against a receiver is adjunct to the receivership case. The clerk of the court shall assign a cause number that reflects the relationship of any litigation to the receivership case. All pleadings in adjunct litigation shall include the cause number of the receivership case as well as the adjunct litigation number assigned by the clerk of the court. All adjunct litigation shall be referred to the judge, if any, assigned to the receivership case.

(3) The receiver may be joined or substituted as a party in any suit or proceeding that was pending at the time of the receiver's appointment and in which the person over whose property the receiver is appointed is a party, upon application by the receiver to the court or agency before which the action is pending.

(4) Venue for adjunct litigation by or against the receiver shall lie in the court in which the receivership is pending, if the courts of this state have jurisdiction over the cause. Actions in other courts in this state shall be transferred to the court upon the receiver's filing of a motion for change of venue, provided that the receiver files the motion within thirty days following service of original process upon the receiver. However, actions in other courts or forums in which a state agency is a party shall not be transferred on request of the receiver absent consent of the affected state agency or grounds provided under other applicable law.

(5) Action by or against a receiver does not abate by reason of death or resignation of the receiver, but continues against the successor receiver or against the entity in receivership, if a successor receiver is not appointed.

(6) Whenever the assets of any domestic or foreign corporation, that has been doing business in this state, has been placed in the hands of any general receiver and the receiver is in possession of its assets, service of all process upon the corporation may be made upon the receiver.

(7) A judgment against a general receiver is not a lien on the property or funds of the receivership, nor shall any execution issue thereon, but upon entry of the judgment in the court in which a general receivership is pending, or upon filing in a general receivership of a certified copy of the judgment from another jurisdiction, the judgment shall be treated as an allowed claim in the receivership. A judgment against a custodial receiver shall be treated and has the same effect as a judgment against the person over whose property the receiver is appointed, except that the judgment is not enforceable against estate property unless otherwise ordered by the court upon notice and a hearing.

NEW SECTION. Sec. 19. A new section is added to chapter 7.60 RCW to read as follows:

PERSONAL LIABILITY OF RECEIVER. (1)(a) The receiver is personally liable to the person over whose property the receiver is appointed or its record or beneficial owners, or to the estate, for loss or diminution in value of or damage to estate property, only if (i) the loss or damage is caused by a failure on the part of the receiver to comply with an order of the court, or (ii) the loss or damage is caused by an act or omission for which members of a board of directors of a business corporation organized and existing under the laws of this state who vote to approve the act or omission are liable to the corporation in cases in which the liability of directors is limited to the maximum extent permitted by RCW 23B.08.320.

(b) A general receiver is personally liable to state agencies for failure to remit sales tax collected after appointment. A custodial receiver is personally liable to state agencies for failure to remit sales tax collected after appointment with regard to assets administered by the receiver.

(2) The receiver has no personal liability to a person other than the person over whose property the receiver is appointed or its record or beneficial owners for any loss or damage occasioned by the receiver's performance of the duties imposed by the appointment, or out of the receiver's authorized operation of any business of a person, except loss or damage occasioned by fraud on the part of the receiver, by acts intended by the receiver to cause loss or damage to the specific claimant, or by acts or omissions for which an officer of a business corporation organized and existing under the laws of this state are liable to the claimant under the same circumstances.

(3) Notwithstanding subsections (1)(a) and (2) of this section, a receiver has no personal liability to any person for acts or omissions of the receiver specifically contemplated by any order of the court.

(4) A person other than a successor receiver duly appointed by the court does not have a right of action against a receiver under this section to recover property or the value thereof for or on behalf of the estate.

NEW SECTION. Sec. 20. A new section is added to chapter 7.60 RCW to read as follows:

EMPLOYMENT AND COMPENSATION OF PROFESSIONALS. (1) The receiver, with the court's approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons that do not hold or represent an interest adverse to the estate to represent or assist the receiver in carrying out the receiver's duties.

(2) A person is not disqualified for employment under this section solely because of the person's employment by, representation of, or other relationship with a creditor or other party in interest, if the relationship is disclosed in the application for the person's employment and if the court determines that there is no actual conflict of interest or inappropriate appearance of a conflict.

(3) This section does not preclude the court from authorizing the receiver to act as attorney or accountant if the authorization is in the best interests of the estate.

(4) The receiver, and any professionals employed by the receiver, is permitted to file an itemized billing statement with the court indicating both the time spent, billing rates of all who perform work to be compensated, and a detailed list of expenses and serve copies on any person who has been joined as a party in the action, or any person requesting the same, advising that unless objections are filed with the court, the receiver may make the payments specified in the notice. If an objection is filed, the receiver or professional whose compensation is affected may request the court to hold a hearing on the objection on five days' notice to the persons who have filed objections. If the receiver is a custodial receiver appointed in aid of foreclosure, payment of fees and expenses may be allowed upon the stipulation of any creditor holding a security interest in the property for whose benefit the receiver is appointed.

NEW SECTION. Sec. 21. A new section is added to chapter 7.60 RCW to read as follows:

PARTICIPATION OF CREDITORS AND PARTIES IN INTEREST IN RECEIVERSHIP PROCEEDING--EFFECT OF COURT ORDERS ON NONPARTIES. (1) Creditors and parties in interest to whom written notice of the pendency of the receivership is given in accordance with section 23 of this act, and creditors or other persons submitting written claims in the receivership or otherwise appearing and participating in the receivership, are bound by the acts of the receiver with regard to management and disposition of estate property whether or not they are formally joined as parties.

(2) Any person having a claim against or interest in any estate property or in the receivership proceedings may appear in the receivership, either in person or by an attorney. Appearance must be made by filing a written notice of appearance, including the name and mailing address of the party in interest, and the name and address of the person's attorney, if any, with the clerk, and by serving a copy of the notice upon the receiver and the receiver's attorney of record, if any. The receiver shall maintain a master mailing list of all persons joined as parties in the receivership and of all persons serving and filing notices of appearance in the receivership in accordance with this section. A creditor or other party in interest has a right to be heard with respect to all matters affecting the person, whether or not the person is joined as a party to the action.

(3) Any request for relief against a state agency shall be mailed to or otherwise served on the agency and on the office of the attorney general.

(4) Orders of the court with respect to the treatment of claims and disposition of estate property, including but not limited to orders providing for sales of property free and clear of liens, are effective as to any person having a claim against or interest in the receivership estate and who has actual knowledge of the receivership, whether or not the person receives written notice from the receiver and whether or not the person appears or participates in the receivership.

(5) The receiver shall give not less than ten days' written notice by mail of any examination by the receiver of the person with respect to whose property the receiver has been appointed and to persons who serve and file an appearance in the proceeding.

(6) Persons on the master mailing list are entitled to not less than thirty days' written notice of the hearing of any motion or other proceeding involving any proposed:

- (a) Allowance or disallowance of any claim or claims;
- (b) Abandonment, disposition, or distribution of estate property, other than an emergency disposition of perishable property or a disposition of property in the ordinary course of business;
- (c) Compromise or settlement of a controversy that might affect the distribution to creditors from the estate;

(d) Compensation of the receiver or any professional employed by the receiver; or

(e) Application for termination of the receivership or discharge of the receiver. Notice of the application shall also be sent to state taxing and applicable regulatory agencies.

Any opposition to any motion to authorize any of the actions under (a) through (e) of this subsection must be filed and served upon the receiver and the receiver's attorney, if any, at least three days before the date of the proposed action. Persons on the master mailing list shall be served with all pleadings or in opposition to any motion. The court may require notice to be given to persons on the master mailing list of additional matters the court deems appropriate, and may enlarge or reduce any time period provided for by this section for good cause shown. The receiver shall make a copy of the current master mailing list available to any person on that list upon the person's request.

(7) All persons duly notified by the receiver of any hearing to approve or authorize an action or a proposed action by the receiver is bound by any order of the court with respect to the action, whether or not the persons have appeared or objected to the action or proposed action or have been joined formally as parties to the particular action.

(8) Whenever notice is not specifically required to be given under this chapter, the court may consider motions and grant or deny relief without notice or hearing, if it appears that no person joined as a party or who has appeared in the receivership would be prejudiced or harmed by the relief requested.

NEW SECTION. Sec. 22. A new section is added to chapter 7.60 RCW to read as follows:

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST. (1) A general receiver shall give notice of the receivership by publication in a newspaper of general circulation published in the county or counties in which estate property is known to be located once a week for three consecutive weeks, the first notice to be published within twenty days after the date of appointment of the receiver; and by mailing notice to all known creditors and other known parties in interest within twenty days after the date of appointment of the receiver. The notice of the receivership shall include the date of appointment of the receiver; the name of the court and the case number; the last day on which claims may be filed and served upon the receiver; and the name and address of the debtor, the receiver, and the receiver's attorney, if any. For purposes of this section, all intangible property of a person is deemed to be located in the county in which an individual owner thereof resides, or in which any entity owning the property maintains its principal administrative offices.

(2) The notice of the receivership shall be in substantially the following form:

IN THE SUPERIOR COURT, IN AND FOR
_____ COUNTY, WASHINGTON

[Case Name]

)

Case No.

)

NOTICE OF RECEIVERSHIP

)

)

)

)

TO CREDITORS AND OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE that a receiver was appointed for _____, whose last known address is _____, on _____, ____.

YOU ARE HEREBY FURTHER NOTIFIED that in order to receive any dividend in this proceeding you must file proof of claim with the receiver on or before _____, ____ (120 days from the date of appointment of the receiver).

RECEIVER

Attorney for receiver (if any): _____

Address: _____

NEW SECTION. Sec. 23. A new section is added to chapter 7.60 RCW to read as follows:

SUBMISSION OF CLAIMS IN GENERAL RECEIVERSHIPS. (1) All claims, whether contingent, liquidated, unliquidated, or disputed, other than claims of creditors with security interests in or other liens against property of the estate, arising prior to the receiver's appointment, must be served in accordance with this chapter, and any claim not so filed is barred from participating in any distribution to creditors in any general receivership.

(2) Claims must be served by delivering the claim to the general receiver within thirty days from the date notice is given by mail under this section, unless the court reduces or extends the period for cause shown, except that a claim arising from the rejection of an executory contract or an unexpired lease of the person over whose property the receiver is appointed may be filed within thirty days after the rejection. Claims need not be filed. Claims must be served by state agencies on the general receiver within one hundred eighty days from the date notice is given by mail under this section.

(3) Claims must be in written form entitled "Proof of Claim," setting forth the name and address of the creditor and the nature and amount of the claim, and executed by the creditor or the creditor's authorized agent. When a claim, or an interest in estate property of securing the claim, is based on a writing, the original or a copy of the writing must be included as a part of the proof of claim, together with evidence of perfection of any security interest or other lien asserted by the claimant.

(4) A claim, executed and served in accordance with this section, constitutes prima facie evidence of the validity and amount of the claim.

NEW SECTION. Sec. 24. A new section is added to chapter 7.60 RCW to read as follows:

OBJECTION TO AND ALLOWANCE OF CLAIMS. (1) At any time prior to the entry of an order approving the general receiver's final report, the general receiver or any party in interest may file with the court an objection to a claim, which objection must be in writing and must set forth the grounds for the objection. A copy of the objection, together with notice of hearing, must be mailed to the creditor at least thirty days prior to the hearing. Claims properly served upon the general receiver and not disallowed by the court are entitled to share in distributions from the estate in accordance with the priorities provided for by this chapter or otherwise by law.

(2) Upon the request of a creditor, the general receiver, or any party in interest objecting to the creditor's claim, or upon order of the court, an objection is subject to mediation prior to adjudication of the objection, under the rules or orders adopted or issued with respect to mediations. However, state claims are not subject to mediation absent agreement of the state.

(3) Upon motion of the general receiver or other party in interest, the following claims may be estimated for purpose of allowance under this section under the rules or orders applicable to the estimation of claims under this subsection:

(a) Any contingent or unliquidated claim, the fixing or liquidation of which, as the case may be, would unduly delay the administration of the case; or

(b) Any right to payment arising from a right to an equitable remedy for breach of performance.

Claims subject to this subsection shall be allowed in the estimated amount thereof.

NEW SECTION. Sec. 25. A new section is added to chapter 7.60 RCW to read as follows:

PRIORITIES. (1) Allowed claims in a general receivership shall receive distribution under this chapter in the order of priority under (a) through (h) of this subsection and, with the exception of (a) and (c) of this subsection, on a pro rata basis.

(a) Creditors with liens on property of the estate, which liens are duly perfected under applicable law, shall receive the proceeds from the disposition of their collateral. However, the receiver may recover from property securing an allowed secured claim the reasonable, necessary expenses of preserving, protecting, or disposing of the property to the extent of any benefit to the creditors. If and to the extent that the proceeds are less than the amount of a creditor's allowed claim or a creditor's lien is avoided on any basis, the creditor is an unsecured claim under (h) of this subsection. Secured claims shall be paid from the proceeds in accordance with their respective priorities under otherwise applicable law.

(b) Actual, necessary costs and expenses incurred during the administration of the estate, other than those expenses allowable under (a) of this subsection, including allowed fees and reimbursement of reasonable charges and expenses of the receiver and professional persons employed by the receiver under section 20 of this act. Notwithstanding (a) of this subsection, expenses incurred during the administration of the estate have priority over the secured claim of any creditor obtaining or consenting to the appointment of the receiver.

(c) Creditors with liens on property of the estate, which liens have not been duly perfected under applicable law, shall receive the proceeds from the disposition of their collateral if and to the extent that unsecured claims are made subject to those liens under applicable law.

(d) Claims for wages, salaries, or commissions, including vacation, severance, and sick leave pay, or contributions to an employee benefit plan, earned by the claimant within ninety days of the date of appointment of the receiver or the cessation of the estate's business, whichever occurs first, but only to the extent of two thousand dollars.

(e) Allowed unsecured claims, to the extent of nine hundred dollars for each individual, arising from the deposit with the person over whose property the receiver is appointed before the date of appointment of the receiver of money in connection with the purchase, lease, or rental of property or the purchase of services for personal, family, or household use by individuals that were not delivered or provided.

(f) Claims for a support debt as defined in RCW 74.20A.020(10), but not to the extent that the debt (i) is assigned to another entity, voluntarily, by operation of law, or otherwise; or (ii) includes a liability designated as a support obligation unless that liability is actually in the nature of a support obligation.

(g) Unsecured claims of governmental units for taxes which accrued prior to the date of appointment of the receiver.

(h) Other unsecured claims.

(2) If all of the classes under subsection (1) of this section have been paid in full, any residue shall be paid to the person over whose property the receiver is appointed.

NEW SECTION. Sec. 26. A new section is added to chapter 7.60 RCW to read as follows:
SECURED CLAIMS AGAINST AFTER-ACQUIRED PROPERTY. Except as otherwise provided for by statute, property acquired by the estate or by the person over whose property the receiver is appointed after the date of appointment of the receiver is subject to an allowed secured claim to the same extent as would be the case in the absence of a receivership.

NEW SECTION. Sec. 27. A new section is added to chapter 7.60 RCW to read as follows:
INTEREST ON CLAIMS. To the extent that funds are available in the estate for distribution to creditors in a general receivership, the holder of an allowed noncontingent, liquidated claim is entitled to receive interest at the legal rate or other applicable rate from the date of appointment of the receiver or the date on which the claim became a noncontingent, liquidated claim. If there are sufficient funds in the estate to fully pay all interest owing to all members of the class, then interest shall be paid proportionately to each member of the class.

NEW SECTION. Sec. 28. A new section is added to chapter 7.60 RCW to read as follows:
RECEIVER'S DISPOSITION OF PROPERTY--SALES FREE AND CLEAR. (1) The receiver, with the court's approval after notice and a hearing, may use, sell, or lease estate property other than in the ordinary course of business. Except in the case of a leasehold estate with a remaining term of less than two years or a vendor's interest in a real estate contract, estate property consisting of real property may not be sold by a custodial receiver other than in the ordinary course of business.
(2) The court may order that a general receiver's sale of estate property under subsection (1) of this section be effected free and clear of liens and of all rights of redemption, whether or not the sale will generate proceeds sufficient to fully satisfy all claims secured by the property, unless either:
(a) The property is real property used principally in the production of crops, livestock, or aquaculture, or the property is a homestead under RCW 6.13.010(1), and the owner of the property has not consented to the sale following the appointment of the receiver; or
(b) The owner of the property or a creditor with an interest in the property serves and files a timely opposition to the receiver's sale, and the court determines that the amount likely to be realized by the objecting person from the receiver's sale is less than the person would realize within a reasonable time in the absence of the receiver's sale.

Upon any sale free and clear of liens authorized by this section, all security interests and other liens encumbering the property conveyed transfer and attach to the proceeds of the sale, net of reasonable expenses incurred in the disposition of the property, in the same order, priority, and validity as the liens had with respect to the property immediately before the conveyance. The court may authorize the receiver at the time of sale to satisfy, in whole or in part, any allowed claim secured by the property out of the proceeds of its sale if the interest of any other creditor having a lien against the proceeds of the sale would not thereby be impaired.

(3) At a public sale of property under subsection (1) of this section, a creditor with an allowed claim secured by a lien against the property to be sold may bid at the sale of the property. A secured creditor who purchases the property from a receiver may offset against the purchase price its allowed secured claim against the

property, provided that the secured creditor tenders cash sufficient to satisfy in full all secured claims payable out of the proceeds of sale having priority over the secured creditor's secured claim. If the lien or the claim it secures is the subject of a bona fide dispute, the court may order the holder of the claim to provide the receiver with adequate security to assure full payment of the purchase price in the event the lien, the claim, or any part thereof is determined to be invalid or unenforceable.

(4) If estate property includes an interest as a coowner of property, the receiver shall have the rights and powers of a coowner afforded by applicable state or federal law, including but not limited to any rights of partition.

(5) The reversal or modification on appeal of an authorization to sell or lease estate property under this section does not affect the validity of a sale or lease under that authorization to an entity that purchased or leased the property in good faith, whether or not the entity knew of the pendency of the appeal, unless the authorization and sale or lease were stayed pending the appeal.

NEW SECTION. Sec. 29. A new section is added to chapter 7.60 RCW to read as follows:

ANCILLARY RECEIVERSHIPS. (1) A receiver appointed in any action pending in the courts of this state, without first seeking approval of the court, may apply to any court outside of this state for appointment as receiver with respect to any property or business of the person over whose property the receiver is appointed constituting estate property which is located in any other jurisdiction, if the appointment is necessary to the receiver's possession, control, management, or disposition of property in accordance with orders of the court.

(2) A receiver appointed by a court of another state, or by a federal court in any district outside of this state, or any other person having an interest in that proceeding, may obtain appointment by a superior court of this state of that same receiver with respect to any property or business of the person over whose property the receiver is appointed constituting property of the foreign receivership that is located in this jurisdiction, if the person is eligible under section 5 of this act to serve as receiver, and if the appointment is necessary to the receiver's possession, control, or disposition of the property in accordance with orders of the court in the foreign proceeding. The superior court upon the receiver's request shall enter the orders, not offensive to the laws and public policy of this state, necessary to effectuate orders entered by the court in the foreign receivership proceeding. A receiver appointed in an ancillary receivership in this state is required to comply with this chapter requiring notice to creditors or other parties in interest only as may be required by the superior court in the ancillary receivership.

NEW SECTION. Sec. 30. A new section is added to chapter 7.60 RCW to read as follows:

RESIGNATION OR REMOVAL OF RECEIVER. (1) The court shall remove or replace the receiver on application of the person over whose property the receiver is appointed, the receiver, or any creditor, or on the court's own motion, if the receiver fails to execute and file the bond required by section 6 of this act, or if the receiver resigns or refuses or fails to serve for any reason, or for other good cause.

(2) Upon removal, resignation, or death of the receiver, the court shall appoint a successor receiver if the court determines that further administration of the estate is required. Upon executing and filing a bond under section 6 of this act, the successor receiver shall immediately take possession of the estate and assume the duties of receiver.

(3) Whenever the court is satisfied that the receiver so removed or replaced has fully accounted for and turned over to the successor receiver appointed by the court all of the property of the estate and has filed a report of all receipts and disbursements during the person's tenure as receiver, the court shall enter an order discharging that person from all further duties and responsibilities as receiver after notice and a hearing.

NEW SECTION. Sec. 31. A new section is added to chapter 7.60 RCW to read as follows:

TERMINATION OF RECEIVERSHIP. (1) Upon distribution or disposition of all property of the estate, or the completion of the receiver's duties with respect to estate property, the receiver shall move the court to be discharged upon notice and a hearing.

(2) The receiver's final report and accounting setting forth all receipts and disbursements of the estate shall be annexed to the petition for discharge and filed with the court.

(3) Upon approval of the final report, the court shall discharge the receiver.

(4) The receiver's discharge releases the receiver from any further duties and responsibilities as receiver under this chapter.

(5) Upon motion of any party in interest, or upon the court's own motion, the court has the power to discharge the receiver and terminate the court's administration of the property over which the receiver was appointed. If the court determines that the appointment of the receiver was wrongfully procured or procured in bad faith, the court may assess against the person who procured the receiver's appointment (a) all of the receiver's fees and other costs of the receivership and (b) any other sanctions the court determines to be appropriate.

NEW SECTION. Sec. 32. A new section is added to chapter 7.60 RCW to read as follows:

APPLICABILITY. This chapter applies to receivers and receiverships otherwise provided for by the laws of this state except as otherwise expressly provided for by statute or as necessary to give effect to the laws of this state. This chapter does not apply to any proceeding authorized by or commenced under Title 48 RCW.

Sec. 33. RCW 4.28.320 and 1999 c 233 s 1 are each amended to read as follows:

~~((In an action affecting the title to real property the plaintiff, at the time of filing the complaint, or at any time afterwards, or whenever a writ of attachment of property shall be issued, or at any time afterwards, the plaintiff or a defendant, when he sets up an affirmative cause of action in his answer, and demands substantive relief at the time of filing his answer, or at any time afterwards, if the same be intended to affect real property,))~~ At any time after an action affecting title to real property has been commenced, or after a writ of attachment with respect to real property has been issued in an action, or after a receiver has been appointed with respect to any real property, the plaintiff, the defendant, or such a receiver may file with the auditor of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the real property in that county affected thereby. From the time of the filing only shall the pendency of the action be constructive notice to a purchaser or encumbrancer of the property affected thereby, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he or she were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice: PROVIDED, HOWEVER, That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by the personal service thereof on a defendant within sixty days after such filing. And the court in which the said action was commenced may, at its discretion, at any time after the action shall be settled, discontinued or abated, on application of any person aggrieved and on good cause shown and on such notice as shall be directed or approved by the court, order the notice authorized in this section to be canceled of record, in whole or in part, by the county auditor of any county in whose office the same may have been filed or recorded, and such cancellation shall be evidenced by the recording of the court order.

Sec. 34. RCW 6.32.100 and 1893 c 133 s 10 are each amended to read as follows:

~~((After a receiver has been appointed or a receivership has been extended to the special proceedings, the judge must, by order, direct the sheriff to pay the money, or the proceeds of the property, deducting his fees, to the receiver; or if the case so requires to deliver to the receiver the property in his hands. But if it appears to the satisfaction of the judge that an order appointing a receiver or extending a receivership is not necessary, he may, by an order reciting that fact,))~~ Unless a receiver has been appointed or extended with respect to money or property in the hands of the sheriff, the judge may direct the sheriff to apply the money ~~((so paid)),~~ the property, or the proceeds of the property ~~((so delivered)),~~ upon an execution in favor of the judgment creditor issued either before or after the payment or delivery to the sheriff.

Sec. 35. RCW 6.32.150 and 1893 c 133 s 15 are each amended to read as follows:

A special proceeding instituted as prescribed in this chapter may be discontinued at any time upon such terms as justice requires, by an order of the judge made upon the application of the judgment creditor. Where the judgment creditor unreasonably delays or neglects to proceed, or where it appears that ~~((his))~~ the judgment has been satisfied, ~~((his))~~ the special proceedings may be dismissed upon like terms by a like order made upon the application of the judgment debtor, or of plaintiff in a judgment creditor's action against the debtor, or of a judgment creditor who has instituted either of the special proceedings authorized by this chapter. ~~((Where an order appointing a receiver or extending a receivership has been made in the course of the special proceeding, notice of the application for an order specified in this section must be given in such manner as the judge deems proper, to all persons interested in the receivership as far as they can conveniently be ascertained.))~~

Sec. 36. RCW 7.08.010 and 1893 c 100 s 1 are each amended to read as follows:

No general assignment of property by an insolvent, or in contemplation of insolvency, for the benefit of creditors, shall be valid unless it be made for the benefit of all ~~((his))~~ of the assignor's creditors in proportion to the amount of their respective claims ~~((; and after the payment of the costs and disbursements thereof, including the attorney fees allowed by law in case of judgment, out of the estate of the insolvent, such claim or claims shall be deemed as presented, and shall share pro rata with other claims as hereinafter provided)).~~

Sec. 37. RCW 7.08.030 and 1890 p 83 s 3 are each amended to read as follows:

~~((The debtor shall annex to such assignment an inventory, under oath, of all his estate, real and personal, according to the best of his knowledge, and also a list of his creditors, with their post office address and a list of the amount of their respective demands, but such inventory shall not be conclusive as to the amount of the debtor's estate. Every assignment shall be in writing, and duly acknowledged in the same manner as conveyances of real estate, and recorded in the record of deeds of the county where the person making the same resides, or where the business in respect to which the same is made has been carried on.))~~

(1) An assignment under this chapter must be in substantially the following form:

ASSIGNMENT

THIS ASSIGNMENT is made this day of,, by and between, with a principal place of business at (hereinafter "assignor"), and, whose address is (hereinafter "assignee").

WHEREAS, the assignor has been engaged in the business of

WHEREAS, the assignor is indebted to creditors, as set forth in Schedule A annexed hereto, is unable to pay debts as they become due, and is desirous of providing for the payment of debts, so far as it is possible by an assignment of all property for that purpose.

NOW, THEREFORE, the assignor, in consideration of the assignee's acceptance of this assignment, and for other good and valuable consideration, hereby grants, assigns, conveys, transfers, and sets over, unto the assignee, and the assignee's successors and assigns, all of assignor's property, except such property as is exempt by law from levy and sale under an execution (and then only to the extent of such exemption), including, but not limited to, all real property, fixtures, goods, stock, inventory, equipment, furniture, furnishings, accounts receivable, general intangibles, bank deposits, cash, promissory notes, cash value and proceeds of insurance policies, claims, and demands belonging to the assignor, wherever such property may be located (hereinafter collectively the "estate"), which property is, to the best knowledge and belief of the assignor, fully and accurately set forth on Schedule B annexed hereto.

By making this assignment, the assignor consents to the appointment of the assignee as a general receiver with respect to the assignee's property in accordance with Chapter 7.60 RCW.

The assignee shall take possession and administer the estate, and shall liquidate the estate with reasonable dispatch and convert the estate into money, collect all claims and demands hereby assigned as and to the extent they may be collectible, and pay and discharge all reasonable expenses, costs, and disbursements in connection with the execution and administration of this assignment from the proceeds of such liquidations and collections.

The assignee shall then pay and discharge in full, to the extent that funds are available in the estate after payment of administrative expenses, costs, and disbursements, all of the debts and liabilities now due from the assignor, including interest on such debts and liabilities in full, according to their priority as established by law, and on a pro rata basis within each class.

In the event that all debts and liabilities are paid in full, the remainder of the estate shall be returned to the assignor.

To accomplish the purposes of this assignment, the assignor hereby irrevocably appoints the assignee as the assignor's true and lawful attorney in fact, with full power and authority to do all acts and things which may be necessary to execute and fulfill the assignment hereby created, to the same extent as such acts and things might be done by assignor in the absence of this assignment, including but not limited to the power to demand and recover from all persons all property of the estate; to sue for the recovery of such property; to execute, acknowledge, and deliver all necessary deeds, instruments, and conveyances, and to grant and convey any or all of the real or personal property of the estate pursuant thereto; and to appoint one or more attorneys to assist the assignee in carrying out the assignee's duties hereunder.

The assignor hereby authorizes the assignee to sign the name of the assignor to any check, draft, promissory note, or other instrument in writing which is payable to the order of the assignor, or to sign the name of the assignor to any instrument in writing, whenever it shall be necessary to do so, to carry out the purposes of this assignment.

The assignor declares, under penalty of perjury under the laws of the state of Washington, that the attached list of creditors and of the property of the assignor is true and complete to the best of the assignor's knowledge.

The assignment shall be signed by the assignor and duly acknowledged in the same manner as conveyances of real property before a notary public of this state, and shall include an acceptance of the assignment by the assignee in substantially the following form:

The assignee hereby accepts the trust created by the foregoing assignment, and agrees faithfully and without delay to carry out the assignee's duties under the foregoing assignment.

Assignor

Assignee

Dated:

Dated:

(2) The assignor shall annex to such assignment schedules in the form provided for by section 11(3) of this act in the case of general receiverships, setting forth the creditors and the property of the assignor.

(3) Every assignment shall be effective when a petition to appoint the assignee as receiver has been filed by the assignor, by the assignee, or by any creditor of the assignor with the clerk of the superior court in the county of the assignor's residence if the assignor is an individual or a marital community, or in the county of the assignor's principal place of business or registered office within this state if the assignor is any other person. A petition shall set forth the name and address of the assignor and the name and address of the assignee, and shall include a copy of the assignment and the schedules affixed thereto, and a request that the court fix the amount of the receiver's bond to be filed with the clerk of the court.

(4) A person to whom a general assignment of property for the benefit of creditors has been made shall be appointed as general receiver with respect to the assignor's property by the superior court upon the filing of a petition under subsection (3) of this section. Except as provided for by subsection (5) of this section, following the assignee's appointment as general receiver, all proceedings involving the administration of the assignor's property and the claims of the assignee's creditors shall be governed by the provisions of chapter 7.60 RCW applicable to general receiverships and court rules applicable thereto.

(5) Upon ~~(the application)~~ motion of two or more creditors of ~~((said debtor therefor, by petition to the judge of the superior court of the county in which such assignment is or should be recorded,))~~ the assignor served and filed at any time within thirty days ~~((from the making or recording of such assignment))~~ following the date upon which notice is mailed to all known creditors under section 22 of this act, it shall be the duty of ~~((said superior judge))~~ the court to direct the clerk of ~~((said superior))~~ the court to order a meeting of the creditors of ~~((said debtors))~~ the assignor, to ~~((choose an assignee of the estate of said debtor in lieu of))~~ determine whether a person other than the assignee named ~~((by the debtor in his))~~ in the assignment should be appointed as general receiver with respect to the property of the assignor; and thereupon the clerk of ~~((said))~~ the court shall ~~((forthwith))~~ immediately give notice to all the creditors ~~((of said debtor))~~ identified in the schedules affixed to the assignment to meet at ~~((his))~~ the clerk's office or at such other location within the county as the clerk may specify, at a time stated ~~((;))~~ not to exceed fifteen days from the date of such notice, to ~~((select one or more assignees in the place of the assignee named by the debtor in his assignment))~~ determine whether a person other than the assignee named in the assignment should be appointed as general receiver with respect to the property of the assignor. ~~((Such))~~ The assignor's creditors may appear in person or by proxy at the meeting, and a majority in both number and value of ~~((said))~~ claims of the creditors attending ~~((such))~~ or represented at the meeting ~~((shall))~~ may select ~~((one or more assignees; and in the event that no one shall receive a majority vote of said creditors who represent at least one half in amount of all claims represented at such meeting, then, and in that event, said clerk shall certify that fact to the judge of the superior court aforesaid, and thereupon said superior judge shall select and appoint an assignee.~~

When such assignee shall have been selected by such creditors, or appointed by the superior judge as herein provided, then the assignee named in the debtor's assignment shall forthwith make to the assignee elected by the creditors or appointed by the superior judge, an assignment and conveyance of all the estate, real and personal, that has been assigned or conveyed to him by said debtor; and such assignee so elected by the creditors or appointed by the superior judge, upon giving the bond required of an assignee by RCW 7.08.010 through 7.08.170, shall possess all the powers, and be subject to all the duties imposed by RCW 7.08.010 through 7.08.170, as fully to all intents and purposes as though named in the debtor's assignment.) a person other than the assignee named in the assignment to serve as general receiver with respect to the assignor's property, whereupon the court shall appoint the selected person as receiver under subsection (4) of this section if a receiver has not already been appointed, and shall appoint the person to replace the original assignee as receiver if the appointment already has been made, unless the court determines upon good cause shown that the appointment as receiver of the person selected by the creditors would not be in the best interests of creditors in general, in which event the court shall appoint or substitute as the receiver a person selected by the court other than the original assignee. If at least one-third of the number or amount of claims represented in person or by proxy at the meeting of creditors vote for the appointment as receiver of a person or persons other than the assignee named in

the assignment, then the court upon motion of any creditor served and filed within ten days following the meeting shall appoint as receiver a person selected by the court other than the original assignee, discharging the original assignee if the person previously was appointed as receiver. A creditor may not vote at any meeting of creditors called for the purpose of determining whether a person other than the assignee named in the assignment should be appointed as receiver, until the creditor has presented to the clerk, who presides at the meeting, a proof of claim in accordance with section 23 of this act.

(6) From the time ~~((of the pending of an application to elect an assignee by the creditors, and until the time shall be terminated by an election or appointment as herein provided))~~ a motion is made to elect a new assignee in accordance with subsection (5) of this section, and until either the meeting of creditors occurs without a selection of a new assignee, or until the court enters an order appointing as receiver a person other than the original assignee if the creditors vote to select a new assignee at that meeting, no property of the ~~((debtor))~~ assignor, except perishable property, ~~((shall))~~ may be sold or disposed of by ~~((any))~~ the assignee, whether or not the assignee has been appointed as receiver; but the same shall be safely and securely kept until ~~((the election or appointment of an assignee as herein provided. No creditor shall be entitled to vote at any such meeting called for the purpose of electing an assignee, until he shall have presented to the clerk of the superior court, who shall preside at such meeting, a verified statement of his claim against the debtor))~~ then.

Sec. 38. RCW 7.56.110 and Code 1881 s 712 are each amended to read as follows:

If judgment be rendered against any corporation or against any persons claiming to be a corporation, the court may cause the costs to be collected by executions against the persons claiming to be a corporation or by attachment against the directors or other officers of the corporation, and shall restrain the corporation, ~~((appoint a receiver of its property and effects,))~~ take an account, and make a distribution thereof among the creditors. The prosecuting attorney shall immediately institute proceedings for that purpose.

Sec. 39. RCW 11.64.022 and 1989 c 373 s 15 are each amended to read as follows:

If the surviving partner or partners fail or refuse to furnish an inventory or list of liabilities, to permit an appraisal, or to account to the personal representative, or to furnish a bond when required pursuant to RCW 11.64.016, the court shall order a citation to issue requiring the surviving partner or partners to appear and show cause why they have not furnished an inventory list of liabilities, or permitted an appraisal or why they should not account to the personal representative or file a bond. The citation shall be served not less than ten days before the return day designated therein, or such shorter period as the court upon a showing of good cause deems appropriate. If the surviving partner or partners neglect or refuse to file an inventory or list of liabilities, or to permit an appraisal, or fail to account to the court or to file a bond, after they have been directed to do so, they may be punished for a contempt of court as provided in chapter 7.21 RCW. Where the surviving partner or partners fail to file a bond after being ordered to do so by the court, the court may also appoint a receiver of the partnership estate ~~((with like powers and duties of receivers in equity))~~ under chapter 7.60 RCW, and may order the costs and expenses of the proceedings to be paid out of the partnership estate or out of the estate of the decedent, or by the surviving partner or partners personally, or partly by each of the parties.

Sec. 40. RCW 23B.14.320 and 1989 c 165 s 165 are each amended to read as follows:

(1) A court in a judicial proceeding brought to dissolve a corporation may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage, the business and affairs of the corporation. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. ~~((The court appointing a receiver or custodian has exclusive jurisdiction over the corporation and all of its property wherever located.))~~

(2) The court may appoint an individual or a domestic or foreign corporation, authorized to transact business in this state, as a receiver or custodian. The court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.

(3) The ~~((court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:~~

~~((a) The receiver (i) may dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the court, and (ii) may sue and defend in the receiver's own name as receiver of the corporation in all courts of this state; and~~

~~((b) The)) receiver or custodian may exercise all of the powers of the corporation, through or in place of its board of directors or officers, to the extent necessary to manage the affairs of the corporation in the best interests of its shareholders and creditors.~~

(4) The court, during a receivership, may redesignate the receiver a custodian, and during a custodianship may redesignate the custodian a receiver, if doing so is in the best interests of the corporation, its shareholders, and creditors.

(5) The court from time to time during the receivership or custodianship may order compensation paid and expense disbursements or reimbursements made to the receiver or custodian and counsel from the assets of the corporation or proceeds from the sale of the assets.

Sec. 41. RCW 24.06.305 and 1969 ex.s. c 120 s 61 are each amended to read as follows:

- (1) In proceedings to liquidate the assets and affairs of a corporation the court shall have the power to:
 - (a) Issue injunctions;
 - (b) Appoint a receiver or receivers pendente lite, with such powers and duties as the court may, from time to time, direct;
 - (c) Take such other proceedings as may be requisite to preserve the corporate assets wherever situated; and
 - (d) Carry on the affairs of the corporation until a full hearing can be had.

After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings, and to any other parties in interest designated by the court, the court may appoint a receiver ~~((with authority to collect the assets of the corporation. Such receiver shall have authority, subject to the order of the court, to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The order appointing such receiver shall state his powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings))~~.

(2) The assets of the corporation or the proceeds resulting from the sale, conveyance, or other disposition thereof shall be applied and distributed as follows:

(a) All costs and expenses of the court proceedings, and all liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision made therefor;

(b) Assets held by the corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred, or conveyed in accordance with such requirements;

(c) Remaining assets, if any, shall be distributed to the members, shareholders, or others in accordance with the provisions of the articles of incorporation.

(3) The court shall have power to make periodic allowances, as expenses of the liquidation and compensation to the receivers and attorneys in the proceeding accrue, and to direct the payment thereof from the assets of the corporation or from the proceeds of any sale or disposition of such assets.

~~((A receiver appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name, as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.))~~

NEW SECTION. **Sec. 42.** A new section is added to chapter 31.12 RCW to read as follows:

Except in cases in which a receiver is appointed by a court on a temporary basis under RCW 31.12.721, the provisions of Title 7 RCW generally applicable to receivers and receiverships do not apply to receivers elected or appointed under this chapter.

NEW SECTION. **Sec. 43.** A new section is added to chapter 35.07 RCW to read as follows:

The provisions of Title 7 RCW generally applicable to receivers and receiverships do not apply to receivers elected or appointed under this chapter.

NEW SECTION. **Sec. 44.** A new section is added to chapter 35A.15 RCW to read as follows:

The provisions of Title 7 RCW generally applicable to receivers and receiverships do not apply to receivers elected or appointed under this chapter.

Sec. 45. RCW 87.56.065 and 1925 ex.s. c 124 s 7 are each amended to read as follows:

At the time and place fixed in ~~((said))~~ the notice the court shall hear the objections of interested persons and shall determine whether the district is insolvent within the provisions of this chapter and whether the district shall be dissolved. If the court concludes that the district shall not dissolve, ~~((he))~~ the court shall so find and dismiss the action. If the court concludes that the district should be dissolved, ~~((he))~~ the court shall appoint a receiver ~~((with bond conditioned for faithful performance of his duties in such sum as the court shall determine,))~~ to take charge of the district assets and to perform such other duties as may be required by the court or by law.

Sec. 46. RCW 87.56.100 and 1925 ex.s. c 124 s 12 are each amended to read as follows:

If the owner or holder of a claim of indebtedness against the district not yet due or matured ~~((shall be entitled to serve upon the receiver and file a statement of his claim with the clerk of the court, as in the case of due and matured indebtedness, and the filing of such claim shall constitute an election on the part of the claimant authorizing the court in its discretion to accelerate the maturity of said indebtedness))~~ files a claim in any case in which a receiver is appointed under RCW 87.56.065, the maturity of the indebtedness owing to the person by the district shall be accelerated to such date as the court shall determine upon.

NEW SECTION. **Sec. 47.** The following acts or parts of acts are each repealed:

- (1) RCW 4.28.081 (Summons, how served--When corporation in hands of receiver) and 1897 c 97 s 1;

- (2) RCW 6.25.200 (Appointment of receiver for property) and 1987 c 442 s 820, 1957 c 9 s 9, & 1886 p 42 s 15;
- (3) RCW 6.32.290 (Appointment of receiver--Notice) and 1893 c 133 s 28;
- (4) RCW 6.32.300 (Effect on pending supplemental proceedings) and 1893 c 133 s 29;
- (5) RCW 6.32.310 (Only one receiver may be appointed--Extending receivership) and 1893 c 133 s 30;
- (6) RCW 6.32.320 (Order, where to be filed) and 1893 c 133 s 31;
- (7) RCW 6.32.330 (Property vested in receiver) and 1893 c 133 s 32;
- (8) RCW 6.32.340 (Receiver's title extends back by relation) and 1893 c 133 s 33;
- (9) RCW 6.32.350 (Records to be kept by clerk) and 2002 c 30 s 2 & 1893 c 133 s 34;
- (10) RCW 7.08.020 (Assent of creditors presumed) and 1890 p 83 s 2;
- (11) RCW 7.08.050 (Inventory by assignee--Bond) and 1890 p 85 s 4;
- (12) RCW 7.08.060 (Notice to creditors) and 1890 p 85 s 5;
- (13) RCW 7.08.070 (List of creditors' claims) and 1890 p 85 s 6;
- (14) RCW 7.08.080 (Exceptions to claims) and 1957 c 9 s 7 & 1890 p 85 s 7;
- (15) RCW 7.08.090 (Dividends--Final account--Compensation) and 1893 c 26 s 1 & 1890 p 86 s 8;
- (16) RCW 7.08.100 (Assignee subject to court's control) and 1890 p 86 s 9;
- (17) RCW 7.08.110 (Assignment not void, when) and 1957 c 9 s 8 & 1890 p 86 s 10;
- (18) RCW 7.08.120 (Additional inventory) and 1890 p 86 s 11;
- (19) RCW 7.08.130 (Procedure on claims not due--Limitation on presentment of claims) and 1890 p 86 s 12;
- (20) RCW 7.08.140 (Authority of assignee to dispose of assets) and 1890 p 87 s 13;
- (21) RCW 7.08.150 (Procedure when assignee dies, fails to act, misapplies estate, or if bond insufficient) and 1890 p 87 s 14;
- (22) RCW 7.08.170 (Discharge of assignor) and 1895 c 151 s 1 & 1890 p 88 s 15;
- (23) RCW 7.08.180 (Sheriff disqualified from acting) and 1893 c 137 s 1;
- (24) RCW 7.08.190 (Right of assignor to exemption) and 1897 c 6 s 1;
- (25) RCW 7.08.200 (Exemption, how claimed--Objections) and 1897 c 6 s 2;
- (26) RCW 7.60.010 (Receiver defined) and 1891 c 52 s 1;
- (27) RCW 7.60.020 (Grounds for appointment) and 1998 c 295 s 18, 1937 c 47 s 1, Code 1881 s 193, 1877 p 40 s 197, 1869 p 48 s 196, & 1854 p 162 s 171;
- (28) RCW 7.60.030 (Oath--Bond) and Code 1881 s 194, 1877 p 41 s 198, 1869 p 48 s 198, & 1854 p 162 s 173;
- (29) RCW 7.60.040 (Powers of receiver) and Code 1881 s 198, 1877 p 41 s 202, 1869 p 49 s 202, & 1854 p 163 s 177;
- (30) RCW 7.60.050 (Order when part of claim admitted) and Code 1881 s 199, 1877 p 41 s 203, 1869 p 49 s 203, & 1854 p 163 s 178;
- (31) RCW 23.72.010 (Definitions) and 1959 c 219 s 1 & 1941 c 103 s 1;
- (32) RCW 23.72.020 (Action to recover--Limitation) and 1941 c 103 s 2;
- (33) RCW 23.72.030 (Preference voidable, when--Recovery) and 1959 c 219 s 2 & 1941 c 103 s 3;
- (34) RCW 23.72.040 (Mutual debts and credits) and 1941 c 103 s 4;
- (35) RCW 23.72.050 (Attorney's fees--Reexamination) and 1941 c 103 s 5;
- (36) RCW 23.72.060 (Setoffs and counterclaims) and 1941 c 103 s 6;
- (37) RCW 24.03.275 (Qualification of receivers--Bond) and 1967 c 235 s 56;
- (38) RCW 24.03.280 (Filing of claims in liquidation proceedings) and 1967 c 235 s 57;
- (39) RCW 24.03.285 (Discontinuance of liquidation proceedings) and 1967 c 235 s 58;
- (40) RCW 24.03.310 (Powers of foreign corporation) and 1967 c 235 s 63;
- (41) RCW 24.03.315 (Corporate name of foreign corporation--Fictitious name) and 1982 c 35 s 98 & 1967 c 235 s 64;
- (42) RCW 24.03.320 (Change of name by foreign corporation) and 1986 c 240 s 44 & 1967 c 235 s 65;
- (43) RCW 87.56.070 (Qualifications, duties, compensation of receiver) and 1925 ex.s. c 124 s 8;
- (44) RCW 87.56.080 (Notice to creditors) and 1985 c 469 s 93 & 1925 ex.s. c 124 s 9;
- (45) RCW 87.56.085 (Notice to creditors--Contents) and 1925 ex.s. c 124 s 10;
- (46) RCW 87.56.090 (Unfiled claims barred--Effect of not filing claim of bond lien) and 1925 ex.s. c 124 s 11;
- (47) RCW 87.56.110 (Collection and disbursement of funds) and 1925 ex.s. c 124 s 13;
- (48) RCW 87.56.120 (Receiver's report--Plan of liquidation) and 1925 ex.s. c 124 s 14;
- (49) RCW 87.56.130 (Time for hearing receiver's report to be fixed--Notice) and 1985 c 469 s 94 & 1925 ex.s. c 124 s 15;
- (50) RCW 87.56.135 (Time for hearing receiver's report to be fixed--Contents) and 1925 ex.s. c 124 s 16;
- (51) RCW 87.56.140 (Objections to report) and 1925 ex.s. c 124 s 17;
- (52) RCW 87.56.145 (Objections to report--Fee) and 1925 ex.s. c 124 s 18;
- (53) RCW 87.56.150 (Hearing--Court's powers and duties) and 1925 ex.s. c 124 s 19; and

(54) RCW 87.56.155 (Decree--Plan of liquidation) and 1925 ex.s. c 124 s 20.

NEW SECTION. **Sec. 48.** Captions used in this act are not part of the law."

Correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004

SB 6202 Prime Sponsor, Senator Honeyford: Excluding liquefiable gases from the petroleum products tax. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Finance.

February 26, 2004

SSB 6208 Prime Sponsor, Senate Committee on Government Operations & Elections: Regarding temporary water-sewer connections. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 57.08.005 and 2003 c 394 s 5 are each amended to read as follows:

A district shall have the following powers:

(1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed;

(3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution

rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal or treatment and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal or treatment. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal or treatment and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6)(a) To construct, condemn and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and, except as provided in (b) of this subsection, the service rates to be charged.

(b) The rate a district may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(c) Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(7) To construct, condemn, acquire, and own buildings and other necessary district facilities;

(8) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property

and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served;

(9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(10) Subject to subsection (6) of this section, to fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. In lieu of requiring the installation of permanent local facilities not planned for construction by the district, a district may permit connection to the water and/or sewer systems through temporary facilities installed at the property owner's expense, provided the property owner pays a connection charge consistent with the provisions of this chapter and agrees, in the future, to connect to permanent facilities when they are installed; or a district may permit connection to the water and/or sewer systems through temporary facilities and collect from property owners so connecting a proportionate share of the estimated cost of future local facilities needed to serve the property, as determined by the district. The amount collected, including interest at a rate commensurate with the rate of interest applicable to the district at the time of construction of the temporary facilities, shall be held for contribution to the construction of the permanent local facilities by other developers or the district. The amount collected shall be deemed full satisfaction of the proportionate share of the actual cost of construction of the permanent local facilities. If the permanent local facilities are not constructed within fifteen years of the date of payment, the amount collected, including any accrued interest, shall be returned to the property owner, according to the records of the county auditor on the date of return. If the amount collected is returned to the property owner, and permanent local facilities capable of serving the property are constructed thereafter, the property owner at the time of construction of such permanent local facilities shall pay a proportionate share of the cost of such permanent local facilities, in addition to reasonable connection charges and other charges authorized by this section. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process.

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(11) To contract with individuals, associations and corporations, the state of Washington, and the United States;

(12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;

- (13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;
- (14) To sue and be sued;
- (15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;
- (16) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015;
- (17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;
- (18) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;
- (19) To establish street lighting systems under RCW 57.08.060;
- (20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and
- (21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage."

NEW SECTION. Sec. 2. A new section is added to chapter 35.13A RCW to read as follows:

(1) A city having a population of less than five thousand residents may not assume, under this chapter, the jurisdiction of all or part of a water-sewer district serving a population greater than one thousand residents and containing, within its boundaries, the territory of two or more cities, or one city and unincorporated territory, unless voters of the entire water-sewer district approve a ballot proposition authorizing the assumption under general election law. The cost of the election shall be borne by the city seeking approval to assume jurisdiction of a water-sewer district.

(2) A city or town may assume jurisdiction over a water-sewer district located within its boundaries without seeking approval of the voters, as required under subsection (1) of this section, if the board of commissioners of the water-sewer district consent to the assumption of jurisdiction by the city or town. The feasibility study required under subsection (3) of this section is not required if the board of commissioners of the water-sewer district consents to the assumption of jurisdiction by the city or town.

(3) Following the passage of a resolution by a city or town to assume all or part of a special purpose water-sewer district under this chapter, a feasibility study of such assumption shall be conducted, unless the board of commissioners of the water-sewer district consent to the assumption of jurisdiction by the city or town as provided under subsection (2) of this section. The study will be jointly and equally funded by the city and the district through a mutually agreed contract with a qualified independent consultant with professional expertise involving public water and sewer systems. The study shall address the impact of the proposed assumption on both the city and district. Issues to be considered shall be mutually agreed to by the city and the district and shall include, but not be limited to, engineering and operational impacts, costs of the assumption to the city and the district including potential impacts on future water-sewer rates, bond ratings and future borrowing costs, status of existing water rights, and other issues jointly agreed to. The findings of the joint study shall be presented as a public record that is available to the registered voters of the district, both within and without the boundary of the city conducting the assumption, prior to a vote on the proposed assumption by all the voters in the district. The study shall be completed within six months of the passage of the resolution to assume the district. No vote shall take place until such study has been completed and the results have been made available to the registered voters of the district.

(4) This section is applicable to assumptions of jurisdiction of water-sewer districts by cities or towns that have been initiated prior to the effective date of this act and which are pending as of that date, as well as those assumptions of jurisdiction that are initiated on or after the effective date of this act.

(5) Once the voters in a water-sewer district have made the decision to approve or disapprove an assumption through the ballot proposition process required under subsection (1) of this section, a boundary review board does not have jurisdiction, under chapter 36.93 RCW, to conduct a review of such assumption where the attempted or completed assumption involves not more than one city.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 6210 Prime Sponsor, Senate Committee on Health & Long-Term Care: Modifying medical information exchange and disclosure provisions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

On page 2, line 26, after "program." insert "Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws."

On page 5, line 29, after "program." insert "Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws."

On page 9, line 5, after "program." insert "Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws."

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6211 Prime Sponsor, Senate Committee on Education: Changing the school district levy base calculation. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.500.020 and 1999 c 317 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average twelve percent levy rate" means twelve percent of the total levy bases as defined in RCW 84.52.0531(3) and (4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's twelve percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(~~((4))~~) (5) multiplied by twelve percent.

(d) The "district's twelve percent levy rate" means the district's twelve percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a twelve percent levy rate that exceeds the statewide average twelve percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

Sec. 2. RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (~~((4))~~) (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection ~~((4))~~ (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For excess levies for collection in calendar years 2005 through 2008, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the difference between the state allocations under subsection (3)(a) and (b) of this section and the allocations the district would have received if: (a) The district's base salary for certificated instructional staff for purposes of determining state basic education allocations had been the same as the highest base salary for that school year on the supporting LEAP salary document referenced in the omnibus appropriations act; and (b) the district's salaries for certificated administrators and classified staff for purposes of determining state basic education allocations had been the same as the highest certificated administrator and classified staff salaries for that school year on the supporting LEAP salary document referenced in the omnibus appropriations act. For calendar year 2005, the additional amounts provided under this subsection shall not be used in the calculation of levy base for the purpose of determining local effort assistance allocations under chapter 28A.500 RCW.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

~~((5))~~ (ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection ~~((5))~~ (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

~~((5))~~ (6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and 4 of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall

estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((6))~~ (7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((7))~~ (8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

~~((8))~~ (9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

~~((9))~~ (10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. **Sec. 3.** Section 1 of this act takes effect January 1, 2006."

Correct the title.

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Haigh; Hunter; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox and McMahan.

Passed to Committee on Appropriations.

February 27, 2004

SB 6213 Prime Sponsor, Senator Hargrove: Making technical, clarifying, and nonsubstantive changes to mental health advance directive provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

2SSB 6220 Prime Sponsor, Senate Committee on Ways & Means: Regarding school employee duty to report suspected child abuse or neglect. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

On page 1, after line 15, insert the following:

"**Sec. 2.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, classified school employees, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence

programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW."

Correct the title.

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6238 Prime Sponsor, Senate Committee on Land Use & Planning: Modifying provisions for limited areas of more intensive rural development. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

On page 4, beginning on line 6, after "area" strike all material through "not" on line 7, and insert "shall be subject to the requirements of (d)(iv) of this subsection, but shall not be"

On page 4, beginning on line 14, after "Any" strike all material through "section" on line 21 and insert "development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use if the new use conforms to the requirements of this subsection (5)"

On page 5, beginning on line 10, after "contain the" strike all material through "~~(or use)~~" on line 14 and insert "existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use"

On page 5, line 28, after "area" strike "~~(or existing use)~~" and insert "or existing use"

Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6245 Prime Sponsor, Senate Committee on Education: Relating to residency teacher certification partnership programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

On page 7, after line 6, insert the following:

"Sec. 5. RCW 28A.660.050 and 2003 c 410 s 3 are each amended to read as follows:

The alternative route conditional scholarship program is created under the following guidelines:

- (1) The program shall be administered by the higher education coordinating board. In administering the program, the higher education coordinating board has the following powers and duties:
 - (a) To adopt necessary rules and develop guidelines to administer the program;
 - (b) To collect and manage repayments from participants who do not meet their service obligations; and
 - (c) To accept grants and donations from public and private sources for the program.
- (2) Participation in the alternative route conditional scholarship program is limited to interns of the partnership grant programs under RCW 28A.660.040. The Washington professional educator standards board shall select interns to receive conditional scholarships.
- (3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in RCW 28A.660.040. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.
- (4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients that fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.
- (5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.
- (6) To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition; fees; and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled, not to exceed eight thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.
- (7) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in *the student loan account authorized in RCW 28B.102.060."

Renumber the remaining sections consecutively and correct the title and any internal references accordingly.

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

Passed to Committee on Rules for second reading.

February 25, 2004

SSB 6255 Prime Sponsor, Senate Committee on Children & Family Services & Corrections: Studying criminal background check processes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that criminal history record information background checks for employment purposes are rapidly increasing in Washington state. While the demand for criminal history record information background checks is growing, the existing criminal history record information background check data transmission infrastructure and processes are not adequate to keep pace with the growing demand. Furthermore, employers are concerned with the current system's ability to quickly secure results. Without adequate data transmission infrastructure and processes to encourage efficient criminal history record information background checks and to receive results quickly, a public safety risk is created. This is especially true when new or prospective employees will be working with children.

The legislature has learned that some states have recently developed comprehensive criminal history record information background check programs. These programs focus on making criminal history record information background checks easily accessible to employers and prospective employees and have eliminated long response times.

NEW SECTION. Sec. 2. (1) A joint task force on criminal background check processes is established. The joint task force shall consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate; at least one member from each caucus shall be a member of the senate children and family services and corrections committee;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; at least one member from each caucus shall be a member of the house criminal justice and corrections committee;

(c) The chief of the Washington state patrol, or the chief's designee;

(d) The secretary of the department of social and health services, or the secretary's designee;

(e) The state superintendent of public instruction, or the superintendent's designee;

(f) An elected sheriff or police chief, selected by the Washington association of sheriffs and police chiefs; and

(g) The following seven members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) A representative from a nonprofit service organization that serves primarily children under sixteen years of age;

(ii) A health care provider as defined in RCW 7.70.020;

(iii) A representative from a business or organization that serves primarily developmentally disabled persons or vulnerable adults;

(iv) A representative from a local youth athletic association;

(v) A representative from the insurance industry; and

(vi) Two representatives from a local parks and recreation program; one member shall be selected by the association of Washington cities and one member shall be selected by the Washington association of counties.

(2) The task force shall choose two cochairs from among its membership.

(3) The task force shall review and make recommendations to the legislature and the governor regarding criminal background check policy in Washington state. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

(a) What state and federal statutes require regarding criminal background checks, and determine whether any changes should be made;

(b) What criminal offenses are currently reportable through the criminal background check program, and determine whether any changes should be made;

(c) What information is available through the Washington state patrol and the federal bureau of investigation criminal background check systems, and determine whether any changes should be made;

(d) What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers;

(e) What is the feasibility and costs for businesses and organizations to do periodic background checks;

(f) What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, developmentally disabled persons, or vulnerable adults; and

(g) A review of the benefits and obstacles of implementing a criminal history record information background check program created by the national child protection act of 1993. The national child protection act of 1993 increases the availability of criminal history record information background checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its findings and recommendations to the legislature by December 31, 2004.

NEW SECTION. Sec. 3. (1) In consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs shall conduct a study on criminal history record information background check technology and systems. The study shall focus on how, through the use of modern technology, Washington state can reduce delays in the criminal history record information background check processing time and how Washington state can make criminal history record information background checks more accessible and efficient.

(2) The study shall include, but is not limited to:

(a) A review and analysis of the criminal history record information background check technology systems in states that have recently implemented or are soon to implement comprehensive criminal history record information background check programs;

(b) Recommendations on how a comprehensive criminal history record information background check program should be designed in Washington state, and how much a comprehensive program would cost to implement in Washington state;

(c) A review of how a comprehensive criminal history record information background check program could be paid for in Washington state, which includes a determination on whether the program could be funded solely by user fees.

(3) The findings and recommendations from the Washington association of sheriffs and police chiefs shall be presented to the joint task force on criminal background check processes no later than November 30, 2004.

(4) The requirement to perform the study under this section and to make findings and recommendations is subject to availability of funds appropriated for this specific purpose.

NEW SECTION. Sec. 4. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2004, from the public safety and education account to the Washington association of sheriffs and police chiefs for the purposes of section 3 of this act.

NEW SECTION. Sec. 5. This act expires January 31, 2005."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

February 27, 2004

SB 6259 Prime Sponsor, Senator Schmidt: Extending the restriction on local government taxation of internet services. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Referred to Committee on Finance.

February 26, 2004

SSB 6261 Prime Sponsor, Senate Committee on Judiciary: Modifying juror payment provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

E2SSB 6270 Prime Sponsor, Senate Committee on Judiciary: Revising provisions relating to attorneys' liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004

E2SSB 6274 Prime Sponsor, Senate Committee on Ways & Means: Changing provisions relating to competency restoration. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 6, beginning on line 21, strike all material through "acts." on line 38

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6302 Prime Sponsor, Senate Committee on Government Operations & Elections: Establishing additional protections for persons ordered to active military service. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) A member of the Washington national guard or any other military reserve component who is a student at an institution of higher education and who is ordered for a period exceeding thirty days to either active state service, as defined in RCW 38.04.010, or to federal active military service has the following rights:

(a) With regard to courses in which the person is enrolled, the person may:

(i) Withdraw from one or more courses for which tuition and fees have been paid that are attributable to the courses. The tuition and fees must be credited to the person's account at the institution. Any refunds are subject to the requirements of the state or federal financial aid programs of origination. In such a case, the student shall not receive credit for the courses and shall not receive a failing grade, an incomplete, or other negative annotation on the student's record, and the student's grade point average shall not be altered or affected in any manner because of action under this item;

(ii) Be given a grade of incomplete and be allowed to complete the course upon release from active duty under the institution's standard practice for completion of incompletes; or

(iii) Continue and complete the course for full credit. Class sessions the student misses due to performance of state or federal active military service must be counted as excused absences and must not be used in any way to adversely impact the student's grade or standing in the class. Any student who selects this option is not, however, automatically excused from completing assignments due during the period the student is performing state or federal active military service. A letter grade or a grade of pass must only be awarded if, in the opinion of the faculty member teaching the course, the student has completed sufficient work and has demonstrated sufficient progress toward meeting course requirements to justify the grade;

(b) To receive a refund of amounts paid for room, board, and fees attributable to the time period during which the student was serving in state or federal active military service and did not use the facilities or services

for which the amounts were paid. Any refund of room, board, and fees is subject to the requirements of the state or federal financial aid programs of origination; and

(c) If the student chooses to withdraw, the student has the right to be readmitted and enrolled as a student at the institution, without penalty or redetermination of admission eligibility, within one year following release from the state or federal active military service.

(2) The protections in this section may be invoked as follows:

(a) The person, or an appropriate officer from the military organization in which the person will be serving, must give written notice that the person is being, or has been, ordered to qualifying service; and

(b) Upon written request from the institution, the person shall provide written verification of service.

(3) This section provides minimum protections for students. Nothing in this section prevents institutions of higher education from providing additional options or protections to students who are ordered to state or federal active military service.

Sec. 2. RCW 28B.15.600 and 2003 c 319 s 1 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, and The Evergreen State College may refund or cancel in full the tuition and services and activities fees if the student withdraws from a university or college course or program prior to the sixth day of instruction of the quarter or semester for which the fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, the governing boards may refund or cancel up to one-half of the fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. However, if a different policy is required by federal law in order for the institution of higher education to maintain eligibility for federal funding of programs, the governing board may adopt a refund policy that meets the minimum requirements of the federal law, and the policy may treat all students attending the institution in the same manner. Additionally, if federal law provides that students who receive federal financial aid must return a larger amount to the federal government than that refunded by the institution, the governing board may adopt a refund policy that uses the formula used to calculate the amount returned to the federal government, and the policy may treat all students attending the institution in the same manner.

(2) The governing boards of the respective universities and college may adopt rules for the refund of tuition and fees for courses or programs that begin after the start of the regular quarter or semester.

(3) The governing boards may extend the refund or cancellation period for students who withdraw for medical reasons ~~((or))~~, shall adopt policies that comply with section 1 of this act for students who are called into the military service of the United States, and may refund other fees pursuant to such rules as they may prescribe.

Sec. 3. RCW 28B.15.605 and 1995 c 36 s 2 are each amended to read as follows:

(1) The governing boards of the community colleges and technical colleges shall refund or cancel up to one hundred percent but no less than eighty percent of the tuition and services and activities fees if the student withdraws from a college course or program before the sixth day of instruction of the regular quarter for which the fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, the governing boards shall refund or cancel up to fifty percent but no less than forty percent of the fees provided such withdrawal occurs within the first twenty calendar days following the beginning of instruction. However, if a different policy is required by federal law in order for the college to maintain eligibility for federal funding of programs, the governing board may adopt a refund policy that meets the minimum requirements of the federal law and the policy may treat all students attending the institution in the same manner.

(2) The governing boards of the respective community college or technical college shall adopt rules consistent with subsection (1) of this section for the refund of tuition and fees for the summer quarter and for courses or programs that begin after the start of the regular quarter.

(3) The governing boards of community colleges and technical colleges ~~((may adopt rules to comply with RCW 28B.15.623 and))~~ may extend the refund or cancellation period for students who withdraw for medical reasons ~~((or))~~ and shall adopt policies that comply with section 1 of this act for students who are called into the military service of the United States.

Sec. 4. RCW 28B.15.625 and 1991 c 164 s 10 are each amended to read as follows:

Private vocational schools and private higher education institutions are encouraged to provide students ~~((deployed either to the Persian Gulf combat zone, as designated by the president of the United States through executive order, or in another location in support of the Persian Gulf combat zone, with the choice of tuition refunds or one free term, as provided under RCW 28B.10.017 and 28B.15.623 for))~~ who are members of the Washington national guard or any other military reserve component and who are ordered for a period exceeding thirty days into active state service or federal active military service the same rights and opportunities provided under section 1 of this act by public higher education institutions.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title accordingly.

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking
Minority Member; Boldt; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6329 Prime Sponsor, Senate Committee on Parks, Fish & Wildlife: Extending the date for
implementation of ballast water discharge requirements. Reported by Committee on
Fisheries, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.120.005 and 2000 c 108 s 1 are each amended to read as follows:

The legislature finds that some nonindigenous species have the potential to cause economic and environmental damage to the state and that current efforts to stop the introduction of nonindigenous species from shipping vessels do not adequately reduce the risk of new introductions into Washington waters.

The legislature recognizes the international ramifications and the rapidly changing dimensions of this issue, the lack of currently available treatment technologies, and the difficulty that any one state has in either legally or practically managing this issue. Recognizing the possible limits of state jurisdiction over international issues, the state declares its support for the international maritime organization and United States coast guard efforts, and the state intends to complement, to the extent its powers allow it, the United States coast guard's ballast water management program.

Sec. 2. 2002 c 282 s 1 (uncodified) is amended to read as follows:

- (1) The director of the department of fish and wildlife must establish the ballast water work group.
- (2) The ballast water work group consists of the following individuals:
 - (a) One staff person from the governor's executive policy office. This person must act as chair of the ballast water work group;
 - (b) Two representatives from the Puget Sound steamship operators;
 - (c) Two representatives from the Columbia river steamship operators;
 - (d) Three representatives from the Washington public ports, one of whom must be a marine engineer;
 - (e) Two representatives from the petroleum transportation industry;
 - (f) One representative from the Puget Sound water quality action team; ~~((and))~~
 - (g) Two representatives from the environmental community;
 - (h) One representative of the shellfish industry;
 - (i) One representative of the tribes;
 - (j) One representative of maritime labor; and
 - (k) One representative from the department of fish and wildlife.
- (3) ~~((2003))~~ 2006, the ballast water work group must study, and provide a report to the legislature by December 15, 2006, the following issues:
 - (a) All issues relating to ballast water technology, including exchange and treatment methods ~~((and))~~, management plans, the associated costs, and the availability of feasible and proven ballast water treatment technologies that could be cost-effectively installed on vessels that typically call on Washington ports;
 - (b) The services needed by the industry and the state to protect the marine environment, including penalties and enforcement; ~~((and))~~
 - (c) The costs associated with, and possible funding methods for, implementing the ballast water program;
 - (d) Consistency with federal and international standards, and identification of gaps between those standards, and the need for additional measures, if any, to meet the goals of this chapter;
 - (e) Describe how the costs of treatment required as of July 1, 2007, will be substantially equivalent among ports where treatment is required;
 - (f) Describe how the states of Washington and Oregon are coordinating their efforts for ballast water management in the Columbia river system; and
 - (g) Describe how the states of Washington, Oregon, and California and the province of British Columbia are coordinating their efforts for ballast water management on the west coast.
- (4) The ballast water work group must begin operation immediately upon the effective date of this section. The ~~((department of fish and wildlife))~~ Puget Sound water quality action team must provide staff for the

ballast water work group. The staff must come from existing personnel within the ~~((department of fish and wildlife)) team.~~

(5) The director must also monitor the activities of the task force created by the state of Oregon in 2001 Or. Laws 722, concerning ballast water management. The director shall provide the ballast water work group with periodic updates of the Oregon task force's efforts at developing a ballast water management system.

(6)(a) The ballast water work group expires June 30, ~~((2004))~~ 2007.

(b) This section expires June 30, ~~((2004))~~ 2007.

Sec. 3. RCW 77.120.030 and 2002 c 282 s 2 are each amended to read as follows:

The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to RCW 77.120.040.

(2) After July 1, ~~((2004))~~ 2007, discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department consistent with applicable state and federal laws. When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.

(3) Masters, owners, operators, or persons-in-charge shall submit to the department an interim ballast water management report by July 1, 2006, in the form and manner prescribed by the department. The report shall describe actions needed to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel. Reports may include a statement that there are no treatment methods applicable to the vessel for which the report is being submitted.

(4) The ballast water work group created in section 1, chapter 282, Laws of 2002 shall develop recommendations for the interim ballast water management report. The recommendations must include, but are not limited to:

(a) Actions that the vessel owner or operator will take to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel;

(b) Necessary plan elements when there are not treatment methods applicable to the vessel for which the report is being submitted, or which would meet the requirements of this chapter; and

(c) The method, form, and content of reporting to be used for such reports.

(5) For treatment technologies requiring shipyard modification that cannot reasonably be performed prior to July 1, 2007, the department shall provide the vessel owner or operator with an extension to the first scheduled drydock or shipyard period following July 1, 2007.

(6) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

(7) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

~~((4))~~ (8) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter."

Correct the title.

Signed by Representatives Cooper, Chairman; Uptegrove, Vice Chairman; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck; Hatfield; O'Brien; Pearson and D. Simpson.

Passed to Committee on Rules for second reading.

February 27, 2004

SB 6339 Prime Sponsor, Senator Swecker: Regulating seed-related business practices. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6341 Prime Sponsor, Senate Committee on Commerce & Trade: Concerning the licensing of cosmetologists and others under chapter 18.16 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.16.060 and 2002 c 111 s 5 and 2002 c 86 s 214 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter shall be considered to be "in good standing" except when: (a) The license has expired or has been canceled and has not been renewed in accordance with RCW 18.16.110; (b) the license has been denied, revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated; (c) the license is held by a person who has not fully complied with an order of the director issued under RCW 18.16.210 requiring the licensee to pay restitution or a fine, or to acquire additional training; or (d) the license has been placed on inactive status at the request of the licensee, and has not been reinstated in accordance with RCW 18.16.110(3).

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

- (a) Except as provided in subsection ~~((2))~~ (3) of this section, engages in the commercial practice of cosmetology, barbering, esthetics, or manicuring~~((; or instructing))~~;
- (b) Instructs in a school;
- (c) Operates a school; or
- (d) Operates a salon/shop, personal services, or mobile unit.

~~((2))~~ (3) A person who receives a license as an instructor may engage in the commercial practice for which he or she held a license when applying for the instructor license without also renewing the previously held license. However, a person licensed as an instructor whose license to engage in a commercial practice is not or at any time was not renewed (~~cannot~~) may not engage in the commercial practice previously permitted under that license unless that person renews the previously held license.

NEW SECTION. Sec. 2. A new section is added to chapter 18.16 RCW to read as follows:

(1) If the holder of an individual license in good standing submits a written and notarized request that the licensee's cosmetology, barber, manicurist, esthetician, or instructor license be placed on inactive status, together with a fee equivalent to that established by rule for a duplicate license, the department shall place the license on inactive status until the expiration date of the license. If the date of the request is no more than six months before the expiration date of the license, a request for a two-year extension of the inactive status, as provided under subsection (2) of this section, may be submitted at the same time as the request under this subsection.

(2) If the holder of a license placed on inactive status under this section submits, by the expiration date of the license, a written and notarized request to extend that status for an additional two years, the department shall, without additional fee, extend the expiration date of: (a) The licensee's individual license; and (b) the inactive status for two years from the expiration date of the license.

(3) A license placed on inactive status under this section may not be extended more frequently than once in any twenty-four month period or for more than six consecutive years.

(4) If, by the expiration date of a license placed on inactive status under this section, a licensee is unable, or fails, to request that the status be extended and the license is not renewed, the license shall be canceled.

Sec. 3. RCW 18.16.110 and 2002 c 111 s 8 are each amended to read as follows:

(1) The director shall issue the appropriate license to any applicant who meets the requirements as outlined in this chapter.

(2) Except as provided in RCW 18.16.260:

(a) Failure to renew a license (~~before~~) by its expiration date subjects the holder to a penalty fee and payment of each year's renewal fee, at the current rate~~(-)~~; and

(b) A person whose license has not been renewed within one year after its expiration date shall have the license canceled and shall be required to submit an application, pay the license fee, meet current licensing requirements, and pass any applicable examination or examinations, in addition to the other requirements of this chapter, before the license may be reinstated.

(3) In lieu of the requirements of subsection (2)(a) of this section, a license placed on inactive status under section 2 of this act may be reinstated to good standing upon receipt by the department of: (a) Payment of a renewal fee, without penalty, for a two-year license commencing on the date the license is reinstated; and (b) if the license was on inactive status during any time that the board finds that a health or other requirement applicable to the license has changed, evidence showing that the holder of the license has successfully completed, from a school licensed under RCW 18.16.140, at least the number of curriculum clock hours of instruction that the board deems necessary for a licensee to be brought current with respect to such changes, but in no case may the number of hours required under this subsection exceed four hours per year that the license was on inactive status.

(4) Nothing in this section authorizes a person whose license has expired or is on inactive status to engage in a practice prohibited under RCW 18.16.060 until the license is renewed or reinstated.

(5) Upon request and payment of an additional fee to be established by rule by the director, the director shall issue a duplicate license to an applicant.

Sec. 4. RCW 18.16.200 and 2002 c 111 s 12 and 2002 c 86 s 217 are each reenacted and amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter (~~may be subject to disciplinary action by the director~~) if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in (~~the commercial~~) a practice (~~of cosmetology, barbering, manicuring, esthetics, or instructed in or operated a school~~) prohibited under RCW 18.16.060 without first obtaining, and maintaining in good standing, the license required by this chapter;

~~((2))~~ (3) Has engaged in the commercial practice of cosmetology, barbering, manicuring, or esthetics in a school;

~~((3))~~ (4) Has not provided a safe, sanitary, and good moral environment for students (~~and~~) in a school or the public;

(5) Has failed to display licenses required in this chapter; or

~~((4))~~ (6) Has violated any provision of this chapter or any rule adopted under it.

Sec. 5. RCW 18.16.260 and 2002 c 111 s 16 are each amended to read as follows:

(1)(a) Prior to July 1, (~~2003~~) 2005, (i) a cosmetology licensee(~~s~~) who held a license in good standing between June 30, 1999, and June 30, 2003, may request a renewal of the license or an additional license in barbering, manicuring, and/or esthetics; and (ii) a licensee who held a barber, manicurist, or esthetics license between June 30, 1999, and June 30, 2003, may request a renewal of such licenses held during that period.

(b) A license renewal fee, including, if applicable, a renewal fee, at the current rate, for each year the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request, must be paid prior to issuance of each type of license requested. After June 30, (~~2003~~) 2005, any cosmetology licensee wishing to renew an expired license or obtain additional licenses must meet the applicable renewal, training, and examination requirements of this chapter.

(2) ~~((Prior to July 1, 2003, students enrolled in a licensed school in an approved cosmetology curriculum may apply for the examination in cosmetology, manicuring, and esthetics. An examination fee must be paid for each examination selected. After June 30, 2003, students enrolled in a licensed school in an approved cosmetology curriculum may not apply for examination in manicuring and esthetics without meeting the training requirements of this chapter.))~~ The director may, as provided in RCW 43.24.140, modify the duration of any additional license granted under this section to make all licenses issued to a person expire on the same date.

NEW SECTION. Sec. 6. The department of licensing shall:

(1) Within ninety days after the effective date of this section, notify each person who held a cosmetology, barber, manicurist, or esthetician license between June 30, 1999, and June 30, 2003, of the provisions of this act by mailing a notice as specified in this section to the licensee's last known mailing address;

(2) Include in the notice required by this section:

(a) A summary of this act, including a summary of the requirements for (i) renewing and obtaining additional licenses; and (ii) requesting placement on inactive status;

(b) A telephone number within the department for obtaining further information;

(c) The department's internet address; and

(d) On the outside of the notice, a facsimile of the state seal, the department's return address, and the words "Notice of Legislative Changes -- Cosmetology, Barbering, Manicuring, and Esthetics Licensing Information Enclosed" in conspicuous bold face type.

Sec. 7. RCW 18.16.030 and 2002 c 111 s 3 and 2002 c 86 s 213 are each reenacted to read as follows:
In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director shall have the following powers and duties:

- (1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;
- (2) To adopt rules necessary to implement this chapter;
- (3) To prepare and administer or approve the preparation and administration of licensing examinations;
- (4) To establish minimum safety and sanitation standards for schools, instructors, cosmetologists, barbers, manicurists, estheticians, salons/shops, personal services, and mobile units;
- (5) To establish curricula for the training of students under this chapter;
- (6) To maintain the official department record of applicants and licensees;
- (7) To establish by rule the procedures for an appeal of an examination failure;
- (8) To set license expiration dates and renewal periods for all licenses consistent with this chapter;
- ~~((and))~~ (9) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing or on inactive status in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and
- (10) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter.

Sec. 8. RCW 18.16.160 and 1991 c 324 s 13 are each amended to read as follows:

In addition to any other legal remedy, any student or instructor-trainee having a claim against a school may bring suit upon the approved security required in RCW 18.16.140(1)~~((e))~~ (d) in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the approved security shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the approved security: PROVIDED, That no action shall be maintained upon the approved security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Service of process in an action upon the approved security shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the approved security and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director's records and to the surety within forty-eight hours after it has been received. The approved security shall not be liable in an aggregate amount in excess of the amount named in the approved security. In any action on an approved security, the prevailing party is entitled to reasonable attorney's fees and costs.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon approved security.

NEW SECTION. **Sec. 9.** RCW 18.16.165 (Licenses issued, students enrolled before January 1, 1992--Curricula updates) and 1991 c 324 s 8 are each repealed.

NEW SECTION. **Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Referred to Committee on Appropriations.

February 26, 2004

SB 6356 Prime Sponsor, Senator Honeyford: Modifying physician assistant provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 6, strike all of section 1 and insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 51.28 RCW to read as follows:

Physician assistants practicing with physician supervision as required by chapters 18.57A and 18.71A RCW may assist workers who suffer simple industrial injuries in making application for compensation under this title as specified in RCW 51.28.020. Physician assistants may not rate a worker's permanent partial disability under RCW 51.32.055, or determine a worker's entitlement to benefits under chapter 51.32 RCW. The department shall adopt rules necessary to implement this section, including rules identifying simple industrial injuries using diagnosis codes and other relevant criteria."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6357 Prime Sponsor, Senator Johnson: Modifying criminal trespass law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 25, 2004

E2SSB 6358 Prime Sponsor, Senate Committee on Ways & Means: Improving collaboration regarding offenders with treatment orders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature makes the following findings:

- (1) In some cases, there is confusion over whether the cause of a person's mental disorder can make that person ineligible for involuntary treatment;
- (2) Some offenders under supervision in the community are concurrently subject to court-ordered mental health or chemical dependency treatment;
- (3) Some offenders under supervision in the community are subject to department of corrections-ordered mental health or substance abuse treatment;
- (4) The department of corrections frequently does not know that an offender is subject to court-ordered treatment;
- (5) Treatment providers frequently do not know that a client is subject to department of corrections supervision;
- (6) There is confusion about the extent to which information about an offender subject to both treatment orders and supervision by the department of corrections may be shared;
- (7) When information is not shared, the lack of information creates gaps in enforcement both of the court order and the offender's conditions of supervision; and
- (8) When there are gaps in enforcement, there is an increased risk to public safety.

Consequently, the legislature intends to clarify the standards for commitment and improve the coordination between the department of corrections and mental health and chemical dependency treatment providers to enhance public safety by improving compliance with treatment and supervision orders and by providing both treatment providers and the department of corrections with more current, complete information about the offender's status.

Sec. 2. RCW 71.05.040 and 1997 c 112 s 4 are each amended to read as follows:

Persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or suffering from dementia shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes a likelihood of serious harm: Provided however, That persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

NEW SECTION. Sec. 3. A new section is added to chapter 10.77 RCW to read as follows:

When a county designated mental health professional or a professional person has determined that a person has a mental disorder, and is otherwise committable, the cause of the person's mental disorder shall not make the person ineligible for commitment under chapter 71.05 RCW.

Sec. 4. RCW 71.05.445 and 2002 c 39 s 2 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated (~~person~~) offender or offender under supervision in the community, planning for and provision of supervision of (~~a person~~) an offender, or assessment of (~~a person's~~) an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under section 11, 12, or 13 of this act.

(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health services provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act and the offender has provided the mental health services provider with a copy of the order granting relief from disclosure pursuant to section 11, 12, or 13 of this act, the mental health services provider is not required to notify the department of corrections that the mental health services provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(4) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

~~((4))~~ (5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

~~((5))~~ (6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

~~((6))~~ (7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.670 and 71.05.440.

~~((7))~~ (8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

~~((8))~~ (9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(10) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 5. RCW 72.09.585 and 2000 c 75 s 4 are each amended to read as follows:

(1) When the department is determining an offender's risk management level, the department shall inquire of the offender and shall be told whether the offender is subject to court-ordered treatment for mental health services or chemical dependency services. The department shall request and the offender shall provide an authorization to release information form that meets applicable state and federal requirements and shall provide the offender with written notice that the department will request the offender's mental health and substance abuse treatment information. An offender's failure to inform the department of court-ordered treatment is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

(2) When an offender discloses that he or she is subject to court-ordered mental health services or chemical dependency treatment, the department shall provide the mental health services provider or chemical dependency treatment provider with a written request for information and any necessary authorization to release information forms. The written request shall comply with rules adopted by the department of social and health services or protocols developed jointly by the department and the department of social and health services. A single request shall be valid for the duration of the offender's supervision in the community. Disclosures of information related to mental health services made pursuant to a department request shall not require consent of the offender.

(3) The information received by the department under RCW 71.05.445 or 71.34.225 may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections ~~((3))~~ (5) and ~~((4))~~ (6) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or its employees provided that the decision was reached in good faith and without gross negligence.

~~((2))~~ (4) The information received by the department under RCW 71.05.445 or 71.34.225 may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.500 or this section.

~~((3))~~ (5) The information received by the department under RCW 71.05.445 or 71.34.225 may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

~~((4))~~ (6) The information received by the department under RCW 71.05.445 or 71.34.225 may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including

medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

Sec. 6. RCW 71.05.390 and 2000 c 94 s 9, 2000 c 75 s 6, and 2000 c 74 s 7 are each reenacted and amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a county designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised;

or

(f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(6) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request; (~~and~~)

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; (~~and~~)

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that

appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

(d) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

(e) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies(~~(, upon request,)~~) all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

NEW SECTION. **Sec. 7.** A new section is added to chapter 9.94A RCW to read as follows:

An offender's failure to inform the department of court-ordered treatment upon request by the department is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

Sec. 8. RCW 71.34.225 and 2002 c 39 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.05 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

(5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

~~((5))~~ (6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in RCW 71.34.200, except as provided in RCW 72.09.585.

~~((6))~~ (7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

~~((7))~~ (8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

~~((8))~~ (9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 9.94A RCW to read as follows:

When an offender receiving court-ordered mental health or chemical dependency treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health or chemical dependency treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act, the offender must provide the mental health or chemical dependency treatment provider with a copy of the order granting the relief.

NEW SECTION. Sec. 10. A new section is added to chapter 9.95 RCW to read as follows:

When an offender receiving court-ordered mental health or chemical dependency treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health or chemical dependency treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act, the offender must provide the mental health or chemical dependency treatment provider with a copy of the order granting the relief.

NEW SECTION. Sec. 11. A new section is added to chapter 9.94A RCW to read as follows:

When any person is convicted in a superior court, the judgment and sentence shall include a statement that if the offender is or becomes subject to court-ordered mental health or chemical dependency treatment, the offender must notify the department and the offender's treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision. Upon a petition by an offender who does not have a history of one or more violent acts, as defined in RCW 71.05.020, the court may, for good cause, find that public safety is not enhanced by the sharing of this offender's information.

NEW SECTION. Sec. 12. A new section is added to chapter 71.05 RCW to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's mental health treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause, find that public safety would not be enhanced by the sharing of this person's information.

NEW SECTION. Sec. 13. A new section is added to chapter 70.96A RCW to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's chemical dependency treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision. Upon a petition by a person who does not have a history of one or more violent acts, as defined in RCW 71.05.020, the court may, for good cause, find that public safety would not be enhanced by the sharing of this person's information.

NEW SECTION. Sec. 14. A new section is added to chapter 70.48 RCW to read as follows:

(1) A person having charge of a jail, or that person's designee, shall notify the county designated mental health professional or the designated chemical dependency specialist seventy-two hours prior to the release to the community of an offender or defendant who was subject to a discharge review under section 18 of this act. If the person having charge of the jail does not receive seventy-two hours notice of the release, the notification to the county designated mental health professional or the designated chemical dependency specialist shall be made as soon as reasonably possible, but not later than the actual release to the community of the defendant or offender.

(2) When a person having charge of a jail, or that person's designee, releases an offender or defendant who was the subject of a discharge review under section 18 of this act, the person having charge of a jail, or that person's designee, shall notify the state hospital from which the offender or defendant was released.

NEW SECTION. Sec. 15. A new section is added to chapter 70.96A RCW to read as follows:

(1) When a designated chemical dependency specialist is notified by a jail that a defendant or offender who was subject to a discharge review under section 18 of this act is to be released to the community, the designated chemical dependency specialist shall evaluate the person within seventy-two hours of release, if the person's treatment information indicates that he or she may need chemical dependency treatment.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated chemical dependency specialist of the violation and request an evaluation for purposes of revocation of the conditional release.

(3) When a designated chemical dependency specialist becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the designated chemical dependency specialist detains a person under this chapter, the designated chemical dependency specialist shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated chemical dependency specialist to provide offender supervision.

NEW SECTION. Sec. 16. A new section is added to chapter 71.05 RCW to read as follows:

(1) When a county designated mental health professional is notified by a jail that a defendant or offender who was subject to a discharge review under section 18 of this act is to be released to the community, the county designated mental health professional shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the county designated mental health professional of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a county designated mental health professional becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision, or the county designated mental health professional detains a person under this chapter, the county designated mental health professional shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or county designated mental health professional to provide offender supervision.

NEW SECTION. Sec. 17. A new section is added to chapter 72.09 RCW to read as follows:

(1) When an offender is under court-ordered mental health or chemical dependency treatment in the community and the supervision of the department of corrections, and the community corrections officer becomes aware that the person is in violation of the terms of the court's treatment order, the community corrections officer shall notify the county designated mental health professional or the designated chemical dependency specialist, as appropriate, of the violation and request an evaluation for purposes of revocation of the less restrictive alternative or conditional release.

(2) When a county designated mental health professional or the designated chemical dependency specialist notifies the department that an offender in a state correctional facility is the subject of a petition for involuntary treatment under chapter 71.05 or 70.96A RCW, the department shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department classified the offender as a high risk or high needs offender.

NEW SECTION. Sec. 18. A new section is added to chapter 71.05 RCW to read as follows:

(1) When a state hospital admits a person for evaluation or treatment under this chapter who has a history of one or more violent acts and:

(a) Has been transferred from a correctional facility; or

(b) Is or has been under the authority of the department of corrections or the indeterminate sentence review board,

the state hospital shall consult with the appropriate corrections and chemical dependency personnel and the appropriate forensic staff at the state hospital to conduct a discharge review to determine whether the person presents a likelihood of serious harm and whether the person is appropriate for release to a less restrictive alternative.

(2) When a state hospital returns a person who was reviewed under subsection (1) of this section to a correctional facility, the hospital shall notify the correctional facility that the person was subject to a discharge review pursuant to this section.

Sec. 19. RCW 70.02.030 and 1994 sp.s. c 9 s 741 are each amended to read as follows:

(1) A patient may authorize a health care provider to disclose the patient's health care information. A health care provider shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider denies the patient access to health care information under RCW 70.02.090.

(2) A health care provider may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider shall:

(a) Be in writing, dated, and signed by the patient;

(b) Identify the nature of the information to be disclosed;

(c) Identify the name, address, and institutional affiliation of the person to whom the information is to be disclosed;

(d) Except for third-party payors, identify the provider who is to make the disclosure; and

(e) Identify the patient.

(4) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(5) A health care provider shall retain each authorization or revocation in conjunction with any health care information from which disclosures are made. This requirement shall not apply to disclosures to third-party payors.

(6) Except for authorizations given pursuant to an agreement with a treatment or monitoring program or disciplinary authority under chapter 18.71 or 18.130 RCW, when the patient is under the supervision of the department of corrections, or to provide information to third-party payors, an authorization may not permit the release of health care information relating to future health care that the patient receives more than ninety days after the authorization was signed. Patients shall be advised of the period of validity of their authorization on the disclosure authorization form. If the authorization does not contain an expiration date and the patient is not under the supervision of the department of corrections, it expires ninety days after it is signed.

(7) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision.

NEW SECTION. Sec. 20. (1) The department of social and health services and the department of corrections shall develop a training plan for department employees, contractors, and necessary mental health service providers and chemical dependency treatment providers covering the information sharing processes for offenders with treatment orders and terms of supervision in the community.

(2) The department of corrections and the department of social and health services, in consultation with prosecuting attorneys, the Washington association of sheriffs and police chiefs, regional support networks, county designated chemical dependency specialists, and other experts that the departments deem appropriate, shall develop a model for multidisciplinary case management and release planning of offenders classified as having high resource needs in multiple service areas.

NEW SECTION. Sec. 21. A new section is added to chapter 4.24 RCW to read as follows:
Information shared and actions taken without gross negligence and in good faith compliance with RCW 71.05.445, 72.09.585, or sections 15 through 17 of this act are not a basis for any private civil cause of action.

NEW SECTION. Sec. 22. The department of social and health services, in consultation with the appropriate committees of the legislature, shall assess the current and needed residential capacity for crisis response and ongoing treatment services for persons in need of treatment for mental disorders and chemical dependency. In addition to considering the demand for persons with either a mental disorder or chemical dependency, the assessment shall consider the demand for services for mentally ill offenders, and persons with co-occurring disorders, mental disorders caused by traumatic brain injury or dementia, and drug induced psychosis. An initial report assessing the types, number, and location of needed mental health crisis response and emergency treatment beds, both in community hospital-based and in other settings, shall be submitted to appropriate committees of the legislature by November 1, 2004. A final report assessing the types, number, and location of beds needed for mental health and chemical dependency emergency, transitional, and ongoing treatment shall be submitted to appropriate committees of the legislature by December 1, 2005. Both reports shall set forth the projected costs and benefits of alternative strategies and timelines for addressing identified needs.

Legislative staff shall review and analyze the use of mental health resources in other state programs for providing community based and hospital based care for persons with mental illness, including information available through the council of state governments and the national conference of state legislatures.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act takes effect July 1, 2004, except for sections 6, 20, and 22 of this act, which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 71.05.040, 71.05.445, 72.09.585, 71.34.225, and 70.02.030; reenacting and amending RCW 71.05.390; adding a new section to chapter 10.77 RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 4.24 RCW; creating new sections; providing an effective date; and declaring an emergency."

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

February 26, 2004

SSB 6367 Prime Sponsor, Senate Committee on Land Use & Planning: Protecting the integrity of national historical reserves in the urban growth area planning process. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6377 Prime Sponsor, Senate Committee on Commerce & Trade: Revising provisions relating to renewal of transient accommodation licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 25, 2004

SB 6378 Prime Sponsor, Senator Esser: Prohibiting unauthorized recording of motion pictures. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 9, after "a" strike all material through "section" on line 10 and insert "gross misdemeanor"

On page 2, beginning on line 15, strike all of subsection (5)

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 2, beginning on line 12, strike all of subsection (4)

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 2, line 28, after "residence" insert "or retail establishment"

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6389 Prime Sponsor, Senate Committee on Judiciary: Prohibiting weapons in restricted access areas of commercial service airports. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.300 and 1994 sp.s. c 7 s 429 are each amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is

possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; ((~~or~~))

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(8) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(9) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(10) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(11) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250."

Correct the title.

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 6401 Prime Sponsor, Senate Committee on Land Use & Planning: Protecting military installations from encroachment of incompatible land uses. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

On page 2, line 4, after "(2)" strike "It is the intent of the legislature that strategies and policies" and insert "Comprehensive plans, amendments to comprehensive plans, development regulations or amendments to development regulations"

On page 2, line 5, after "be adopted" strike "and" and insert "or"

On page 2, line 8, after "2005" insert ", and shall thereafter comply with this section on a schedule consistent with RCW 36.70A.130(4)"

On page 2, line 14, after "plan" strike "and" and insert "or"

On page 2, line 21, after "of the" strike "county" and insert "county's"

On page 2, line 22, after "plan" insert "or development regulations"

On page 2, at the beginning of line 23, strike "and consider policies"

Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Ahern; Clibborn; Ericksen; Mielke and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Assistant Ranking Minority Member; Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2004

ESSB 6420 Prime Sponsor, Senate Committee on Government Operations & Elections: Enhancing integrity of voting systems. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.12.020 and 2003 c 111 s 302 are each amended to read as follows:

The secretary of state shall inspect, evaluate, ~~((and))~~ publicly demonstrate, and test all voting systems or components of voting systems related to vote tallying, casting, counting, and storage that are submitted for review under RCW 29A.12.030. The secretary of state shall determine whether the voting systems conform with all of the requirements of this title, the applicable rules adopted in accordance with this title, and with generally accepted safety requirements. The secretary of state shall post the report of certification to a publicly available

electronic medium and transmit ~~((a copy of the report of any examination))~~ notice of certification under this section, within thirty days after completing the examination, to the county auditor of each county.
This section does not apply to systems with the sole election-related function of displaying election results.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.12 RCW to read as follows:

At the time a voting system or component of a voting system is submitted for examination, the manufacturer or distributor must provide the secretary of state copies of the source code and the compiler code sufficient to recompile the program. Each time the source code is modified following certification of a voting system or component of a voting system, the manufacturer or distributor must provide the secretary of state copies of the source code and the compiler code sufficient to recompile the program. All material provided to the secretary of state pursuant to this section is exempt from public disclosure under RCW 42.17.310(1)(h).

Sec. 3. RCW 29A.12.050 and 2003 c 111 s 305 are each amended to read as follows:

~~((#))~~ Only voting systems or devices or vote tallying systems ~~((are to))~~ that have been certified by the secretary of state may be used for conducting a primary or election~~((, only those that have the approval of the secretary of state or had been approved under this chapter or the former chapter 29.34 RCW before March 22, 1982, may be used. Any))~~. No modification, change, redesign, or improvement may be made to any voting system or component of a system ~~((that does not impair its accuracy, efficiency, or capacity or extend its function, may be made))~~ related to vote tallying, casting, counting, and storage, other than hardware replacement, without notification to the secretary of state for reexamination or reapproval by the secretary of state under ~~((RCW 29A.12.020))~~ section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 29A.12 RCW to read as follows:

Reexamination or reapproval of voting systems under RCW 29A.12.050 must be performed in the following manner:

The modification must be reviewed and approved by an appropriate independent testing authority approved by the federal election assistance commission before submission to the secretary of state for approval. If, in the opinion of the system vendor, a modification must be made during the period beginning ten days before an election to assure proper system operation, an emergency examination and approval may be conducted by the secretary of state before a review by an independent testing authority. During this emergency examination period, the vendor shall make a written submission to the secretary of state for review. The submission must include:

- (1) The purpose and effect of the modification;
- (2) Clear and complete documentation of the change including a description, an affected code, affected systems, and a before and after depiction of the change;
- (3) A statement from the vendor declaring the completeness of the submission, sworn under penalty of perjury and loss of system certification.

The secretary of state may review and test the change before issuing or denying an emergency approval for use only in the subsequent election.

Sec. 5. RCW 29A.12.060 and 2003 c 111 s 306 are each amended to read as follows:

The county auditor of a county in which voting systems are used is responsible for the preparation, maintenance, and operation of those systems and during the logic and accuracy test, must provide written, signed verification that the system and its component software, in the version used, are certified. The auditor may employ and direct persons to perform some or all of these functions.

Sec. 6. RCW 29A.12.070 and 2003 c 111 s 307 are each amended to read as follows:

An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing an acceptance test as defined in rule by the office of the secretary of state, conducted by the county auditor as purchaser or lessee, sufficient to demonstrate that the equipment is the same as that certified by the secretary of state and that the equipment is operating correctly as delivered to the county.

Sec. 7. RCW 29A.12.080 and 2003 c 111 s 308 are each amended to read as follows:

No voting device ~~((shall))~~ or its component software may be ~~((approved))~~ certified by the secretary of state unless it:

- (1) Secures to the voter secrecy in the act of voting;
- (2) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- (3) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;
- (4) Correctly registers all votes cast for any and all persons and for or against any and all measures;

(5) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States; ~~((and))~~

(6) In the case of a poll-site based electronic voting device, as part of the voting process produces a machine countable paper record for each vote at the time of voting that may be reviewed by the voter before finalizing his or her vote, or provides equivalent security and accuracy through an alternative method for the voter to verify his or her vote in a technology distinct from the poll-site based electronic voting device; and

(7) Except for functions or capabilities unique to this state, has been tested~~((, certified, and used in at least one other state or election jurisdiction))~~ and approved by the appropriate independent testing authority approved by the federal election assistance commission or its statutory successor.

Sec. 8. RCW 29A.12.090 and 2003 c 111 s 309 are each amended to read as follows:

The ballot ~~((on a single voting device shall))~~ displayed to a voter may not contain the names of candidates for the offices of United States representative, state senator, state representative, county council, or county commissioner in more than one district. ~~((In all general elections, primaries, and special elections, in each polling place the voting devices containing ballots for candidates from each congressional, legislative, or county council or commissioner district shall be grouped together and physically separated from those devices containing ballots for other districts. Each voter shall be directed by the precinct election officers to the correct group of voting devices.))~~

Sec. 9. RCW 29A.12.100 and 2003 c 111 s 310 are each amended to read as follows:

The secretary of state ~~((shall))~~ may not approve a vote tallying system or system software unless it:

(1) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(3) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;

(4) Accommodates rotation of candidates' names on the ballot under RCW 29A.36.140;

(5) Produces precinct and cumulative totals in printed form; and

(6) Except for functions or capabilities unique to this state, has been tested~~((, certified, and used in at least one other state or election jurisdiction))~~ and approved by the appropriate independent testing authority approved by the federal election assistance commission or its statutory successor.

Sec. 10. RCW 29A.12.110 and 2003 c 111 s 311 are each amended to read as follows:

In preparing a voting device for a primary or election, a record ~~((shall))~~ must be made of the ballot format installed in each device and the precincts or portion of a precinct for which that device has been prepared. Except where provided by a rule adopted under RCW 29A.04.610, after being prepared for a primary or election, each device ~~((shall))~~ must be sealed with a uniquely numbered seal and provided to the inspector of the appropriate polling place.

Sec. 11. RCW 29A.12.130 and 2003 c 111 s 313 are each amended to read as follows:

At least three days before each state primary or general election, the office of the secretary of state shall provide for the conduct of tests of the programming for each vote tallying system to be used at that primary or general election. The test must verify that the system will correctly count the vote cast for all candidates and on all measures appearing on the ballot at that primary or general election. The test ~~((shall))~~ must verify the capability of the vote tallying system to perform all of the functions that can reasonably be expected to occur during conduct of that particular primary or election. If any error is detected, the cause ~~((shall))~~ must be determined and corrected, and an errorless total ~~((shall))~~ must be produced before the primary or election.

Such tests ~~((shall))~~ must be observed by at least one representative from each major political party, if representatives have been appointed by the respective major political parties and are present at the test, and ~~((shall))~~ must be open to candidates, the press, and the public. The county auditor and any political party observers shall certify that the test has been conducted in accordance with this section. The county auditor must provide signed, written verification that the version of the voting system and software used are state certified. Copies of this verification and the test certification ~~((shall))~~ must be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots ~~((shall))~~ must be securely ~~((sealed))~~ stored until the day of the primary or general election. All ballot counting equipment must be sealed, kept in a secure location, and protected against unauthorized access until election day.

Sec. 12. RCW 29A.12.150 and 2003 c 111 s 315 are each amended to read as follows:

(1) No voting device or machine may be used ~~((in a county with a population of seventy thousand or more))~~ to conduct a primary or general or special election in this state unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are

available for audit purposes after such a primary or election. After January 1, 2006, no voting device or machine may be used to conduct a primary or general or special election that uses punched holes to record the voter's choices.

(2) The secretary of state shall not certify under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election. The secretary of state may not certify under this title any voting device or machine for use in conducting a primary or general or special election that uses punched holes to record the voter's choices.

NEW SECTION. Sec. 13. A new section is added to chapter 29A.12 RCW to read as follows:

The secretary of state may withdraw the certification of any voting system hardware, software, or system component for cause. Before withdrawing a certification the secretary of state shall conduct a public hearing intended to document and allow input from affected system users and vendors before rendering a decision. The secretary of state shall post the report of withdrawal of certification to a publicly available electronic medium and transmit notice of withdrawal of certification under this section to each county auditor within five days after completing the examination.

Sec. 14. RCW 29A.44.320 and 2003 c 111 s 1130 are each amended to read as follows:

Whenever poll-site ballot counting devices or poll-site based electronic voting devices are used, the devices may either be included with the supplies required in RCW 29A.44.110 or they may be delivered to the polling place separately. ~~((AH))~~ Each poll-site ballot counting device(s) and poll-site based electronic voting device must be physically sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. The seal must secure against unauthorized access. A log must be made of all seal numbers and device numbers used.

NEW SECTION. Sec. 15. A new section is added to chapter 29A.44 RCW to read as follows:

Before each state primary or general election logic and accuracy testing of poll-site based systems or electronic voting devices must be performed by the county under the observation of the office of the secretary of state during the process of final preparation before system distribution to each poll site. For all other elections the logic and accuracy test must be performed by the county auditor before system distribution. As each ballot counter or electronic voting system is programmed and set up for distribution a logic and accuracy test must be performed. These tests must establish that each system is functioning within system standards. All ballot styles programmed for each machine must be processed by each machine in order to ensure that the machine is correctly counting and accumulating votes for every office. After all tests are performed and the machine is ready for distribution, the machine must be sealed and the seal number recorded. The procedure described in this section will serve as the official logic and accuracy test of these devices.

NEW SECTION. Sec. 16. A new section is added to chapter 29A.44 RCW to read as follows:

A log must be created during the testing of poll-site based ballot counters and electronic voting devices. The log must record the time and place of each test, the precinct number, seal number, and machine number of each ballot counter or voting device, and the initials of each person testing and observing the test for each machine. This log must be included in the official logic and accuracy test materials. The processes described in section 15 of this act must be open to observation and subject to all notices and observers under rules adopted by the secretary of state.

NEW SECTION. Sec. 17. A new section is added to chapter 29A.44 RCW to read as follows:

(1) The secretary of state shall empanel a task force of elections and computer security experts to be known as the "Washington Voting Systems Board" to study and determine the potential for election fraud as follows:

(a) At least five county auditors, or their designees, with five years or more of elections experience chosen by the Washington Association of County Auditors;

(b) At least two information technology professionals with five years or more experience in enterprise class computing systems chosen from a list provided by the director of the state department of information services;

(c) The director of the state department of information services or a designee;

(d) A representative of the Washington disability access group;

(e) The state director of elections or a designee;

(f) The secretary of state, or a designee, who shall chair the task force;

(g) A member of each of the four caucuses of the state legislature;

(h) A statistician provided by one of the four-year universities in the state of Washington; and

(i) A cryptographer chosen from a list provided by the director of the department of information services.

The Washington voting systems board may consult with other experts as necessary, such as forensic accounting specialists, computer forensic experts, and law enforcement agencies.

(2) The secretary of state shall provide reports to the legislature before the beginning of the 2005 and 2006 legislative sessions detailing:

(a) The progress of the federal election assistance commission in developing standards for the testing, certification, decertification, and recertification of voting system hardware and software, including electronic voting systems;

(b) The progress of the federal election assistance commission in conducting a thorough study of the issues and challenges, specifically to the potential for election fraud;

(c) The findings of the secretary of state and the Washington voting systems board on the comparative security of various voting systems technologies, including alternate but secure and accurate methods for a voter using a poll-site based electronic voting device to verify his or her vote in a technology distinct from the poll-site based electronic voting device;

(d) The findings of the secretary of state as to any potential or known risks of voting fraud, or actual instance of voting fraud during the previous year;

(e) A list of the voting system technologies certified for use in this state.

(3) Subsection (2) of this section expires July 1, 2006.

NEW SECTION. Sec. 18. A new section is added to chapter 29A.44 RCW to read as follows:

(1) If a poll-site based electronic voting device produces an individual paper record at the time of voting, the device must allow the paper record to be reviewed by the voter before finalizing his or her vote. The paper record must be machine readable for purposes of counting the votes cast using a technology distinct from the poll-site based electronic voting device. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by each voter. The device must allow the voter the option of spoiling the paper record and repeating the voting process if, after examining the paper record but before finalizing and casting his or her vote, the voter determines that the record does not reflect his or her vote. The spoiled record must either be destroyed or marked in order to clearly identify the record as spoiled. Paper records may not be removed from the polling place.

(2)(a) If a poll-site based electronic voting device provides an alternative method for the voter to verify his or her vote, the alternative method must maintain privacy in the act of voting while allowing a voter to verify that his or her votes were cast and recorded as intended, in a technology separate and distinct from the poll-site based electronic voting device. The alternative method must allow the voter an opportunity to repeat the voting process if the voter determines that the verification process does not reflect his or her vote.

(b) An alternative method for voters to verify votes cast on a poll-site based electronic voting device must be approved by the Washington voting systems board before it may be certified for use in Washington by the secretary of state. If the Washington voting systems board approves an alternative method, the board must report its findings and approval to the appropriate standing committees of the legislature by December 1st the same year. At least one regular legislative session must pass between the date that the alternative method is approved by the Washington voting systems board and the date that the alternative method is certified for use by the secretary of state.

NEW SECTION. Sec. 19. A new section is added to chapter 29A.44 RCW to read as follows:

Any paper records produced by poll-site based electronic voting devices are subject to all of the requirements of this chapter and chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit to the counting center, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

NEW SECTION. Sec. 20. A new section is added to chapter 29A.44 RCW to read as follows:

The electronic record produced and counted by poll-site electronic voting devices is the official record of each vote for election purposes. However, any paper records produced under section 18 of this act must be stored and used as the official record of each vote for election purposes in the following specified circumstances only:

- (1) In the event of a mandatory manual recount of votes under RCW 29A.64.020;
- (2) In the event of a requested recount under RCW 29A.64.010;
- (3) By order of the county canvassing board;
- (4) By order of the superior court of a county; or
- (5) For use in the eight percent random audit of results required by section 25 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 29A.44 RCW to read as follows:

A voter voting on a poll-site based electronic voting system may not leave the device during the voting process except to verify his or her ballot, or to request assistance from the precinct election officers, until the voting process is completed.

NEW SECTION. Sec. 22. A new section is added to chapter 29A.60 RCW to read as follows:

Ballot counting systems must be secured physically and electronically against unauthorized access. Ballot counting systems must not be connected to, or operated on, any electronic network including internal office networks, the Internet, or the World Wide Web. No wireless communications or unauthorized devices or software may be used in any way in a voting system. A network may be used as an internal, integral part of the ballot counting system, but that network must not be connected to any other network, the Internet, or the World Wide Web. All elements of the ballot counting system must be observable and secured. Transfer of information from the ballot counting system to another system for network connection or broadcast must be made via disk, tape, or other physical means of communication other than direct electronic connection.

NEW SECTION. Sec. 23. A new section is added to chapter 29A.60 RCW to read as follows:

Before the first ballot counting session in each election, a report must be produced demonstrating that the system contains no vote data before commencement of counting ballots. At the completion of each ballot counting session, the ballot counting system must produce a report of the results compiled that includes date and time information. Before commencing any additional ballot counting session, a report of the results contained in the system must be produced that includes date and time information. This report must be compared with the report produced at the end of the previous ballot counting session to ensure that no changes have been made to the vote data in the interim period. This comparison must be performed in the presence of political party observers if representatives have been appointed by their respective political parties and are present at the time of comparison. This procedure must be employed for subsequent counting sessions. Nothing in this section precludes the county auditor from zeroing individual devices in subsequent counting sessions if a report is created after each session and before the next, with the results being merged into the total.

Sec. 24. RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to read as follows:

After the close of the polls, counties employing poll-site ballot counting devices or a remote counting location may telephonically or electronically transmit the accumulated tally for each device to a central reporting location. Before making a telephonic or electronic transmission the precinct election officer must create a printed record of the results of the election for that poll site. During the canvassing period the results transmitted telephonically or electronically must be considered unofficial until a complete reconciliation of the results has been performed. This reconciliation may be accomplished by a direct loading of the results from the memory pack into the central accumulator, or a comparison of the report produced at the poll site on election night with the results received by the central accumulating device. The device or devices used to receive the transmission may not be directly connected to the voting system. Transfer of the information received must be made via disk, tape, or other physical means of communication other than direct electronic connection.

NEW SECTION. Sec. 25. A new section is added to chapter 29A.60 RCW to read as follows:

Before the close of business on the day after election day, the county auditor shall conduct an audit of results of votes cast on the poll-site based electronic voting devices used in the county. This audit must be conducted by randomly selecting eight percent of the poll-site based electronic voting devices and comparing the results recorded by each device with those recorded on either the paper records or alternative voter-verified technology for six randomly selected races or issues on each device. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit.

NEW SECTION. Sec. 26. A new section is added to chapter 29A.84 RCW to read as follows:

Anyone who removes a paper record or alternative voter-verified technology produced by a poll-site based electronic voting device from a polling place without authorization is guilty of a class C felony punishable under RCW 9A.20.021.

Sec. 27. RCW 29A.04.610 and 2003 c 111 s 161 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;

- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;
- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic facsimile;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;
- (22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
- (23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
- (24) Procedures and forms for declarations of candidacy;
- (25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
- (26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
- (27) Filing for office;
- (28) The order of positions and offices on a ballot;
- (29) Sample ballots;
- (30) Independent evaluations of voting systems;
- (31) The testing, approval, and certification of voting systems;
- (32) The testing of vote tallying software programming;
- (33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;
- (36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;
- (37) The tabulation of paper ballots before the close of the polls;
- (38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;
- (39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;
- (40) Procedures for conducting a statutory recount;
- (41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
- (43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet; ~~((and))~~

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met; and

(47) Procedures for the use of poll-site based electronic voting devices, paper records, and alternative voter-verified technology.

NEW SECTION. Sec. 28. (1) All voting system and voting device purchases made after July 1, 2004, are subject to the requirements of this act. All existing voting system and voting device approval and certifications for electronic voting systems and devices are in effect until January 1, 2006.

(2) The secretary of state shall work with the department of information services and the information services board on the procurement of certified voting systems through master contracts administered by the department of information services per RCW 43.105.052(2)(d). County auditors, using funding disbursed through the election account established in the state treasury by section 1, chapter 48, Laws of 2003, for the procurement of voting systems, must consider the use of such voting systems master contracts.

NEW SECTION. Sec. 29. Sections 18 through 21, 25, and 26 of this act take effect January 1, 2006. The remainder of this act takes effect July 1, 2004."

Correct the title.

Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; Sullivan; Tom; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives McMahan and Romero.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6428 Prime Sponsor, Senate Committee on Commerce & Trade: Concerning industrial insurance health care providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 1, strike all of section 2

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6454 Prime Sponsor, Senate Committee on Education: Regarding the use of portable or cellular phones or paging telecommunications devices by students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Haigh; Hunter; McMahan; Rockefeller and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Tom, Assistant Ranking Minority Member; Cox.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 6472 Prime Sponsor, Senate Committee on Children & Family Services & Corrections: Revising provisions relating to victims of crime. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.010 and 1997 c 338 s 8 are each amended to read as follows:

- (1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.
- (2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:
 - (a) Protect the citizenry from criminal behavior;
 - (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
 - (c) Make the juvenile offender accountable for his or her criminal behavior;
 - (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
 - (e) Provide due process for juveniles alleged to have committed an offense;
 - (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
 - (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
 - (h) Provide for restitution to victims of crime;
 - (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;
 - (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services; ~~(and)~~
 - (k) Provide opportunities for victim participation in juvenile justice process, including court hearings on juvenile offender matters, and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and
 - (l) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

Sec. 2. RCW 13.40.020 and 2002 c 237 s 7 and 2002 c 175 s 19 are each reenacted and amended to read as follows:

For the purposes of this chapter:

- (1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;
- (2) Community-based sanctions may include one or more of the following:
 - (a) A fine, not to exceed five hundred dollars;
 - (b) Community restitution not to exceed one hundred fifty hours of community restitution;
- (3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;
- (4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:
 - (a) Community-based sanctions;

- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;
- (5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;
- (6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);
- (7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:
 - (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or
 - (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;
- (8) "Department" means the department of social and health services;
- (9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;
- (10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;
- (11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;
- (12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;
- (13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;
- (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;
- (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;
- (16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;
- (17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;
- (18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;
- (19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense ~~((if the offense is a sex offense))~~. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.080 and 2002 c 237 s 8 and 2002 c 175 s 21 are each reenacted and amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(f) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian. To the extent possible, the court officer shall advise the victims ~~((who have contacted the diversion unit))~~ of the juvenile offender of the diversion process, offer victim impact letter forms and restitution claim forms, and ~~((to the extent possible,))~~ involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may ~~((not require the juvenile))~~ relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. If the court relieves the juvenile of the requirement to pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Divertees and potential divertees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for

action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community- based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diverttee's eighteenth birthday.

(16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diverttee and with the concurrence of the diversion unit to convert an unpaid fine into community restitution. The modification of the diversion agreement shall be in writing and signed by the diverttee and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

Sec. 4. RCW 13.40.160 and 2003 c 378 s 3 and 2003 c 53 s 99 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- (viii) Comply with the conditions of any court-ordered probation bond; or
- (ix) The court shall order that the offender ~~(may)~~ shall not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the

violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.--- (section 4, chapter 378, Laws of 2003).

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.--- (section 5, chapter 378, Laws of 2003) may impose the disposition alternative under RCW 13.40.--- (section 5, chapter 378, Laws of 2003).

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 5. RCW 13.40.165 and 2003 c 378 s 6 are each amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 70.96A.520. The court must consider eligibility for the chemical dependency disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent or substance abusing, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent or substance abusing. The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment; and
- (e) Recommended crime-related prohibitions.

(4) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender and the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option D of RCW 13.40.0357 if the disposition is an increase from the standard

range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

Sec. 6. RCW 13.40.190 and 1997 c 338 s 29 and 1997 c 121 s 9 are each reenacted and amended to read as follows:

(1) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted. The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter. The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. Restitution may include the costs of counseling reasonably related to the offense. If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. Prior to the expiration of the ten-year period, the juvenile court may extend the judgment for the payment of restitution for an additional ten years. At any time, the court may determine that the respondent is not required to pay, or may relieve the respondent of the requirement to pay, full or partial restitution to any insurance provider authorized under Title 48 RCW if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution to the insurance provider and could not reasonably acquire the means to pay the insurance provider the restitution over a ten-year period.

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(5) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

Sec. 7. RCW 13.40.200 and 2002 c 175 s 25 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community restitution unless the monetary penalty is the crime victim penalty assessment, which cannot be converted, waived, or otherwise modified, except for schedule of payment. The number of hours of community restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

Sec. 8. RCW 7.69.030 and 1999 c 323 s 2 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or

defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions;

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and

(16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.

Sec. 9. RCW 7.69A.030 and 1997 c 283 s 2 are each amended to read as follows:

In addition to the rights of victims and witnesses provided for in RCW 7.69.030, there shall be every reasonable effort made by law enforcement agencies, prosecutors, and judges to assure that child victims and witnesses are afforded the rights enumerated in this section. Except as provided in RCW 7.69A.050 regarding child victims or child witnesses of violent crimes, sex crimes, or child abuse, the enumeration of rights shall not be construed to create substantive rights and duties, and the application of an enumerated right in an individual case is subject to the discretion of the law enforcement agency, prosecutor, or judge. Child victims and witnesses have the following rights, which apply to any criminal court and/or juvenile court proceeding:

(1) To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.

(2) With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.

(3) To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.

(4) To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.

(5) To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.

(6) To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.

(7) To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.

(8) To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.

(9) To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.

(10) To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.

(11) With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.

Sec. 10. RCW 13.04.040 and 1995 c 312 s 40 are each amended to read as follows:

The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to chapter 13.32A or 13.34 RCW or RCW 13.40.070;

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW (~~13.34.120 and~~) 13.40.130, and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department for cases relating to dependency or to the termination of a parent and child relationship which is filed by the department unless otherwise ordered by the court; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the legislative authority of the county, or in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080.

The administrator shall establish procedures for the collection of fines assessed under RCW 13.40.080 (2)(~~(d) and (13))~~ (c) and (14) and for the payment of the fines into the county general fund.

NEW SECTION. **Sec. 11.** This act takes effect July 1, 2004."

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Carrell; Hinkle; Lovick and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Delvin, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6476 Prime Sponsor, Senator Mulliken: Designating manufactured housing communities as nonconforming uses. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 6481 Prime Sponsor, Senate Committee on Commerce & Trade: Governing class 1 racing associations' authority to participate in parimutuel wagering. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 67.16 RCW to read as follows:

(1) The horse racing commission may authorize advance deposit wagering to be conducted by:

(a) A licensed class 1 racing association operating a live horse racing facility; or

(b) The operator of an advance deposit wagering system accepting wagers pursuant to an agreement with a licensed class 1 racing association. The agreement between the operator and the class 1 racing association must be approved by the commission.

(2) No system of advance deposit wagering located outside of or within the state of Washington may accept wagers from residents or other persons located within this state, nor shall residents or other persons located within this state place wagers through advance deposit wagering systems, except with a licensed class 1 racing association authorized to conduct advance deposit wagering, or an operator of an advance deposit wagering system under an agreement approved by the commission with a licensed class 1 racing association. Advance deposit wagering may be accepted for races conducted in the state of Washington under a class 1 license or races not conducted within the state of Washington on a schedule approved by the class 1 licensee.

(3) As used in this section, "advance deposit wagering" means a form of parimutuel wagering in which an individual deposits money in an account with an entity authorized by the commission to conduct advance deposit wagering and then the account funds are used to pay for parimutuel wagers made in person, by telephone, or through communication by other electronic means.

(4) In order to participate in advance deposit wagering, the holder of a class 1 racing association license must have conducted at least one full live racing season. All class 1 racing associations must complete a live race meet within each succeeding twelve-month period to maintain eligibility to continue participating in advance deposit wagering.

(5) When more than one class 1 racing association is participating in advance deposit wagering the moneys paid to the racing associations shall be allocated proportionate to the gross amount of all sources of parimutuel wagering during each twelve-month period derived from the associations' live race meets. This percentage must be calculated annually. Revenue derived from advance deposit wagers placed on races conducted by the class 1 racing association shall all be allocated to that association.

(6) The commission shall adopt rules regulating advance deposit wagering.

(7) This section expires October 1, 2007.

Sec. 2. RCW 67.16.200 and 2001 1st sp.s. c 10 s 2 are each amended to read as follows:

(1) A class 1 racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering (~~on its program~~) at a satellite location or locations within the state of Washington. In order to participate in parimutuel wagering at a satellite location or locations within the state of Washington, the holder of a class 1 racing association license must have conducted at least one full live racing season. All class 1 racing associations must hold a live race meet within each succeeding twelve-month period to maintain eligibility to continue to participate in parimutuel wagering at a satellite location or locations. The sale of parimutuel pools at satellite locations shall be conducted (~~only during the licensee's race meet and~~) simultaneous to all parimutuel wagering activity conducted at the licensee's live racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location. A satellite location shall not be operated within twenty driving miles of any class 1 racing facility. For the purposes of this section, "driving miles" means miles measured by the most direct route as determined by the commission; and

(b) A licensee shall not conduct satellite wagering at any satellite location within sixty driving miles of any other racing facility conducting a live race meet.

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, 67.16.170, and 67.16.175. A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

(4) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to locations outside of the state of Washington approved by the commission and in accordance with the interstate horse racing act of 1978 (15 U.S.C. Sec. 3001 to 3007) or any other applicable laws. The commission may permit parimutuel pools on the simulcast races to be combined in a common pool. A racing association that transmits simulcasts of its races to locations outside this state shall pay at least fifty percent of the fee that it receives for sale of the simulcast signal to the horsemen's purse account for its live races after first deducting the actual cost of sending the signal out of state.

(5) Upon written application to the commission, a class 1 racing association may be authorized to transmit simulcasts of live horse races conducted at its racetrack to licensed racing associations located within the state of Washington and approved by the commission for the receipt of the simulcasts. The commission shall permit parimutuel pools on the simulcast races to be combined in a common pool. The fee for in-state, track-to-

track simulcasts shall be five and one-half percent of the gross parimutuel receipts generated at the receiving location and payable to the sending racing association. A racing association that transmits simulcasts of its races to other licensed racing associations shall pay at least fifty percent of the fee that it receives for the simulcast signal to the horsemen's purse account for its live race meet after first deducting the actual cost of sending the simulcast signal. A racing association that receives races simulcast from class 1 racing associations within the state shall pay at least fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price and the actual direct costs of importing the race.

(6) A class 1 racing association may be allowed to import simulcasts of horse races from out-of-state racing facilities. With the prior approval of the commission, the class 1 racing association may participate in ~~((an interstate))~~ a multijurisdictional common pool and may change its commission and breakage rates to achieve a common rate with other participants in the common pool.

(a) The class 1 racing association shall make written application with the commission for permission to import simulcast horse races for the purpose of parimutuel wagering. Subject to the terms of this section, the commission is the sole authority in determining whether to grant approval for an imported simulcast race.

(b) ~~((A licensed racing association may also be approved to import one simulcast race of regional or national interest on each live race day.~~

~~(c) The commission may allow simulcast races of regional or national interest to be sent to satellite locations. The simulcasts shall be limited to one per day except for Breeder's Cup special events day.~~

~~(d))~~ When open for parimutuel wagering, a class 1 racing association which imports simulcast races shall also conduct simulcast parimutuel wagering within its licensed racing enclosure on all races simulcast from other class 1 racing associations within the state of Washington.

~~((e) The conduct of parimutuel wagering on imported simulcast races shall be for not more than fourteen hours during any twenty four hour period, for not more than five days per week and only at the live racing facility of a class 1 racing association.~~

~~(f))~~ (c) On any imported simulcast race, the class 1 racing association shall pay fifty percent of its share of the parimutuel receipts to the horsemen's purse account for its live race meet after first deducting the purchase price of the imported race and the actual costs of importing and offering the race.

(7) For purposes of this section, a class 1 racing association is defined as a licensee approved by the commission to conduct during each twelve-month period at least forty days of live racing. If a live race day is canceled due to reasons directly attributable to acts of God, labor disruptions affecting live race days but not directly involving the licensee or its employees, or other circumstances that the commission decides are beyond the control of the class 1 racing association, then the canceled day counts toward the forty-day requirement. The commission may by rule increase the number of live racing days required to maintain class 1 racing association status or make other rules necessary to implement this section.

(8) This section does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before April 19, 1997. Therefore, this section does not allow gaming of any nature or scope that was prohibited before April 19, 1997. This section is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of this section is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities. ~~((Therefore, imported simulcast race card programs shall not be disseminated to any location outside the live racing facility of the class 1 racing association and a class 1 racing association is strictly prohibited from simulcasting imported race card programs to any location outside its live racing facility.))~~ Therefore, a licensed class 1 racing association may be approved to disseminate imported simulcast race card programs to satellite locations approved under this section, provided that the class 1 racing association has conducted at least forty live racing days with an average on-track handle on the live racing product of a minimum of one hundred fifty thousand dollars per day during the twelve months immediately preceding the application date. However, to promote the development of a new class 1 racing association facility and to meet the best interests of the Washington equine breeding and racing industries, the commission may by rule reduce the required minimum average on-track handle on the live racing product from one hundred fifty thousand dollars per day to thirty thousand dollars per day.

(9) A licensee conducting simulcasting under this section shall place signs in the licensee's gambling establishment under RCW 9.46.071. The informational signs concerning problem and compulsive gambling must include a toll-free telephone number for problem and compulsive gamblers and be developed under RCW 9.46.071.

(10) Chapter 10, Laws of 2001 1st sp. sess. does not establish a new form of gaming in Washington or allow expanded gaming within the state beyond what has been previously authorized. Simulcast wagering has been allowed in Washington before August 23, 2001. Therefore, this section does not allow gaming of any nature or scope that was prohibited before August 23, 2001. Chapter 10, Laws of 2001 1st sp. sess. is necessary to protect the Washington equine breeding and racing industries, and in particular those sectors of these industries that are dependent upon live horse racing. The purpose of chapter 10, Laws of 2001 1st sp. sess. is to protect these industries from adverse economic impacts and to promote fan attendance at class 1 racing facilities. ~~((Therefore, imported simulcast race card programs shall not be disseminated to any location outside the live~~

racetrack facility of the class 1 racing association and a class 1 racing association is strictly prohibited from simulcasting imported race card programs to any location outside its live racing facility.

~~(11) If a state or federal court makes a finding that the increase in the number of imported simulcast races that may be authorized under chapter 10, Laws of 2001 1st sp. sess. is an expansion of gaming beyond that which is now allowed, chapter 10, Laws of 2001 1st sp. sess. is null and void.~~

~~(12) If any provision of chapter 10, Laws of 2001 1st sp. sess. or its application to any person or circumstance is held invalid, the remainder of chapter 10, Laws of 2001 1st sp. sess. or the application of the provision to other persons or circumstances is also invalid.)~~

Sec. 3. RCW 67.16.160 and 1994 c 154 s 314 are each amended to read as follows:

No later than ninety days after July 16, 1973, the horse racing commission shall ~~((promulgate))~~ adopt, pursuant to chapter 34.05 RCW, reasonable rules implementing to the extent applicable to the circumstances of the horse racing commission the conflict of interest laws of the state of Washington as set forth in ~~((chapters 42.21 and))~~ chapter 42.52 RCW. In no case may a commissioner make any wager on the outcome of a horse race at a race meet conducted under the authority of the commission.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Referred to Committee on Finance.

February 26, 2004

SB 6488 Prime Sponsor, Senator Mulliken: Ordering a study of the designation of agricultural lands in three counties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) By December 1, 2004, the department of community, trade, and economic development shall provide to the house of representatives local government committee and the senate committee on land use and planning a report regarding the designation pursuant to RCW 36.70A.170(1)(a) of agricultural lands with long-term commercial significance in King, Chelan, Lewis, and Yakima counties.

(2) The report shall address:

(a) The amount of land designated as agricultural lands with long-term commercial significance;

(b) The amount of land in agricultural production;

(c) Changes in the amount of agricultural land since 1990;

(d) Comparison with amounts of land in other uses;

(e) Designation standards and procedures;

(f) Effect of designation on tax revenue;

(g) Contribution of agriculture to the local economy;

(h) Threats to maintaining the agricultural land base;

(i) Measures local governments should adopt to better maintain the agricultural land base and sustain and enhance the agricultural industry; and

(j) Any other type of information that will help the committees to evaluate the implementation and effect of designation."

Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 25, 2004

E2SSB 6489 Prime Sponsor, Senate Committee on Ways & Means: Revising provisions relating to correctional industries. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended to read as follows:

(1) There is created a correctional industries board of directors which shall have the composition provided in RCW 72.09.080.

(2) Consistent with general department of corrections policies and procedures pertaining to the general administration of correctional facilities, the board shall establish and implement policy for correctional industries programs designed to:

(a) Offer inmates meaningful employment, work experience, and training in vocations that are specifically designed to reduce recidivism and thereby enhance public safety by providing opportunities for legitimate means of livelihood upon their release from custody;

(b) Provide industries which will reduce the tax burden of corrections and save taxpayers money through production of goods and services for sale and use;

(c) Operate correctional work programs in an effective and efficient manner which are as similar as possible to those provided by the private sector;

(d) Encourage the development of and provide for selection of, contracting for, and supervision of work programs with participating private enterprise firms;

(e) Develop and (~~design~~) select correctional industries work programs that do not unfairly compete with Washington businesses;

(f) Invest available funds in correctional industries enterprises and meaningful work programs that minimize the impact on in-state jobs and businesses.

(3) The board of directors shall at least annually review the work performance of the director of correctional industries division with the secretary.

(4) The director of correctional industries division shall review and evaluate the productivity, funding, and appropriateness of all correctional work programs and report on their effectiveness to the board and to the secretary.

(5) The board of directors shall have the authority to identify and establish trade advisory or apprenticeship committees to advise them on correctional industries work programs. The secretary shall appoint the members of the committees.

Where a labor management trade advisory and apprenticeship committee has already been established by the department pursuant to RCW 72.62.050 the existing committee shall also advise the board of directors.

(6) The board shall develop a strategic yearly marketing plan that shall be consistent with and work towards achieving the goals established in the six-year phased expansion of class I and class II correctional industries established in RCW 72.09.111. This marketing plan shall be presented to the appropriate committees of the legislature by January 17 of each calendar year until the goals set forth in RCW 72.09.111 are achieved.

Sec. 2. RCW 72.09.100 and 2002 c 175 s 49 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the correctional industries board of directors to protect Washington businesses from unfair competition.

For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work

program, before the department contracts to provide such products or services. The review shall include ~~((an))~~ the analysis ~~((of the potential impact of the proposed products and services on the Washington state business community and labor market))~~ required under section 4 of this act to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state~~((,))~~ when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

~~((a))~~ (i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

~~((b))~~ (ii) Whenever possible, to provide forty hours of work or work training per week.

~~((c))~~ (iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

Sec. 3. RCW 72.09.100 and 2002 c 354 s 238 and 2002 c 175 s 49 are each reenacted and amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the correctional industries board of directors to protect Washington businesses from unfair competition. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include ((an)) the analysis ((of the potential impact of the proposed products and services on the Washington state business community and labor market)) required under section 4 of this act to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.142 shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

~~((a))~~ (i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

~~((b))~~ (ii) Whenever possible, to provide forty hours of work or work training per week.

~~((c))~~ (iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department must prepare a threshold analysis for any proposed new class I correctional industries work program or the significant expansion of an existing class I correctional industries work program before the department enters into an agreement to provide such products or services. The analysis must state whether the proposed new or expanded program will impact any Washington business and must be based on information sufficient to evaluate the impact on Washington business.

(2) If the threshold analysis determines that a proposed new or expanded class I correctional industries work program will impact a Washington business, the department must complete a business impact analysis before the department enters into an agreement to provide such products or services. The business impact analysis must include:

(a) A detailed statement identifying the scope and types of impacts caused by the proposed new or expanded correctional industries work program on Washington businesses; and

(b) A detailed statement of the business costs of the proposed correctional industries work program compared to the business costs of the Washington businesses that may be impacted by the proposed class I correctional industries work program. Business costs of the proposed correctional industries work program include rent, water, sewer, electricity, disposal, labor costs, and any other quantifiable expense unique to operating in a prison. Business costs of the impacted Washington business include rent, water, sewer, electricity, disposal, property taxes, and labor costs including employee taxes, unemployment insurance, and workers' compensation.

(3) The completed threshold analysis and any completed business impact analysis with all supporting documents must be shared in a meaningful and timely manner with local chambers of commerce, trade or business associations, local and state labor union organizations, and government entities before a finding required under subsection (4) of this section is made on the proposed new or expanded class I correctional industries work program.

(4) If a business impact analysis is completed, the department must conduct a public hearing to take public testimony on the business impact analysis. The department must, at a minimum, establish a publicly accessible web site containing information reasonably calculated to provide notice to each Washington business assigned the same three-digit standard industrial classification code, or the corresponding North American industry classification system code, as the organization seeking the class I correctional industries work program agreement of the date, time, and place of the hearing. Notice of the hearing shall be posted at least thirty days prior to the hearing.

(5) Following the public hearing, the department shall adopt a finding that the proposed new or expanded class I correctional industries work program: (a) Will not compete with any Washington business; (b) will not compete unfairly with any Washington business; or (c) will compete unfairly with any Washington business and is therefore prohibited under this act.

Sec. 5. RCW 72.09.460 and 1998 c 244 s 10 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection (4) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(3) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

(b) Additional work and education programs based on assessments and placements under subsection (5) of this section; and

(c) Other work and education programs as appropriate.

(4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level(~~(, except)~~). An inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that inmates with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of inmates participating in a new class I correctional industry not in existence on the effective date of this section;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department- approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

(6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

(7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

(8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

(9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

Sec. 6. RCW 72.09.015 and 1995 1st sp.s. c 19 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" means a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned (~~early~~) release as authorized by RCW 9.94A.728.

(6) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and policies.

(8) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

(11) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

(12) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(13) "Secretary" means the secretary of corrections or his or her designee.

(14) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

(15) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((15))~~ (16) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

(17) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on the effective date of this section.

(18) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

Sec. 7. RCW 72.09.111 and 2003 c 379 s 25 and 2003 c 271 s 2 are each reenacted and amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(ii).

(3) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Subject to availability of funds for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

~~((5))~~ (6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

~~((6))~~ (7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

~~((7) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:~~

~~(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.)~~

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

All records, documents, data, and other materials obtained under the requirements of section 4 of this act from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under chapter 42.17 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 42.17 RCW to read as follows:

All records, documents, data, and other materials obtained under the requirements of section 4 of this act from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under this chapter.

Sec. 10. RCW 28B.10.029 and 1998 c 344 s 5 and 1998 c 111 s 2 are each reenacted and amended to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637. The community and technical colleges shall comply with RCW 43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW ~~((43.19.1935, 43.19.19363, and 43.19.19368))~~ 43.41.310, 43.41.290, and 43.41.350. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration. Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(5) An institution of higher education may exercise independently those powers otherwise granted to the public printer in chapter 43.78 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapter 39.19 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the public printer. Thereafter the public printer shall not be required to provide those services for that institution.

NEW SECTION. Sec. 11. Section 3 of this act takes effect July 1, 2005.

NEW SECTION. Sec. 12. Section 2 of this act expires July 1, 2005."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Pearson and Veloria.

Referred to Committee on Appropriations.

February 27, 2004

SSB 6496 Prime Sponsor, Senate Committee on Judiciary: Regulating access to confidential court records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 1, line 8, after "intentionally" strike "access,"

On page 1, line 8, after "use" strike ",,"

On page 1, line 13, after "means" strike "access" and insert "use or disclosure"

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6501 Prime Sponsor, Senate Committee on Higher Education: Regarding instructional materials for students with disabilities at public and private institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Jarrett; McCoy; Morrell and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt and Condotta.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6527 Prime Sponsor, Senate Committee on Judiciary: Increasing the statutory rate for attorney fees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6531 Prime Sponsor, Senate Committee on Judiciary: Modifying estate adjudication provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6534 Prime Sponsor, Senate Committee on Land Use & Planning: Designating processes and siting of industrial land banks. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Ericksen; Mielke; Moeller and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 6554 Prime Sponsor, Senate Committee on Health & Long-Term Care: Eliminating credentialing barriers for health professions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

On page 11, after line 14, insert the following:

"NEW SECTION. Sec. 15. Sections 13 and 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 5 of the title, strike "and creating a new section" and insert "creating a new section; and declaring an emergency"

Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Alexander; Benson; Campbell; Clibborn; Darneille; Moeller; Rodne; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6560 Prime Sponsor, Senate Committee on Parks, Fish & Wildlife: Concerning animal cruelty. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Kirby; Lovick and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6561 Prime Sponsor, Senator Carlson: Strengthening linkages between K-12 and higher education systems. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The state board for community and technical colleges, the higher education coordinating board, the council of presidents, the work force training and education coordinating board, public school secondary principals, public school district superintendent representatives, and the superintendent of public instruction shall take actions to strengthen, expand, and create dual enrollment programs available to students on high school campuses by removing barriers that inhibit the availability of the programs and, where possible, by creating incentives to offer the courses and programs. These actions are not intended to decrease the number or types of dual enrollment programs available to students on college campuses.

(2) "Dual enrollment programs" means those courses that allow high school students to earn postsecondary course credits and high school credits toward graduation concurrently. The programs include, but are not limited to, running start, tech-prep, college in the high school, advanced placement, and international baccalaureate.

(3) By December 15, 2004, the organizations identified in subsection (1) of this section shall report to the higher education and education committees of the legislature on the actions taken to reduce or eliminate barriers and on the incentives created. In addition, the report shall include actions the legislature should take to encourage the availability of dual enrollment programs on high school campuses.

(4) This section expires December 31, 2004."

Signed by Representatives Quall, Chairman; McDermott, Vice Chairman; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Cox; Haigh; Hunter; McMahan; Rockefeller and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6568 Prime Sponsor, Senate Committee on Higher Education: Directing the institute for public policy to develop a proposal for establishing a Washington state women's history center or information network. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Condotta; Jarrett; McCoy; Morrell and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6577 Prime Sponsor, Senator Hargrove: Ordering a study of reporting requirements for community action agencies. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Pettigrew and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Miloscia.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6581 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Funding forest fire protection. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Rockefeller, Vice Chairman; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer; Grant; Hunt; McDermott; Orcutt; Quall and Sump.

Passed to Committee on Rules for second reading.

February 26, 2004

SB 6593 Prime Sponsor, Senator Prentice: Prohibiting discrimination against consumers' choices in housing. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that: Congress has preempted the regulation by the states of manufactured housing construction standards through adoption of construction standards for manufactured housing (42 U.S.C. Sec. 5401-5403); and this federal regulation is equivalent to the state's uniform building code. The legislature also finds that congress has declared that: (1) Manufactured housing plays a vital role in meeting the housing needs of the nation; and (2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans (42 U.S.C. Sec. 5401-5403). The legislature intends to protect the consumers' rights to choose among a number of housing construction alternatives without restraint of trade or discrimination by local governments.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401- 5403 standards (as amended in 2000) must be regulated in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any city or town may require that (1) a manufactured home be a new manufactured home, (2) the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an

approved concrete product which can be either load bearing or decorative,(3) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located,(4) the home is thermally equivalent to the state energy code, and(5)the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. A city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

(2) Nothing in this section shall override any legally recorded covenants, or deed restrictions of record.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.21 RCW to read as follows:

(1) A code city may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401- 5403 standards (as amended in 2000) must be regulated in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any code city may require that(1)a manufactured home be a new manufactured home,(2)the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative,(3)the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located, (4) the home is thermally equivalent to the state energy code, and (5) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. A code city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

(2)Nothing in this section shall override any legally recorded covenants, or deed restrictions of record.

NEW SECTION. Sec. 4. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401- 5403 standards (as amended in 2000) must be regulated in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any county may require that (1) a manufactured home be a new manufactured home, (2)the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative, (3) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located, (4) the home is thermally equivalent to the state energy code, and (5) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

(2) Nothing in this section shall override any legally recorded covenants, or deed restrictions of record.

Sec. 5. RCW 35.63.160 and 1988 c 239 s 1 are each amended to read as follows:

(1) ~~((Each comprehensive plan which does not allow for the siting of manufactured homes on individual lots shall be subject to a review by the city of the need and demand for such homes. The review shall be completed by December 31, 1990.~~

(2) ~~For the purpose of providing an optional reference for cities which choose to allow manufactured homes on individual lots,))~~ A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

(a) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

(b) Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of ~~((not less than))~~ nominal 3:12 pitch; and

(c) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single- family residences.

(2) "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

(3) Nothing in this section precludes cities from allowing any manufactured home from being sited on individual lots through local standards which differ from the designated manufactured home or new manufactured home as described in this section, except that the term "designated manufactured home" and "new manufactured home" shall not be used except as defined in subsections (1) and (2) of this section.

NEW SECTION. Sec. 6. This act takes effect July 1, 2005."

Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern; Clibborn; Mielke; Moeller and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen.

Passed to Committee on Rules for second reading.

February 27, 2004

ESB 6598 Prime Sponsor, Senator Esser: Regulating the provision of wholesale telecommunications services by public utility districts. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Nixon, Assistant Ranking Minority Member; Anderson; Blake; Bush; Delvin; Hudgins; Kirby; McMahan; Romero; Sullivan; Tom; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 26, 2004

2SSB 6599 Prime Sponsor, Senate Committee on Ways & Means: Monitoring cholinesterase. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to scrutinize closely the implementation of rules mandating cholinesterase monitoring by the department of labor and industries."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holmquist; Kenney and McCoy.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6600 Prime Sponsor, Senate Committee on Judiciary: Revising construction liability provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell; Flannigan; Lovick and Newhouse.

MINORITY recommendation: Do not pass. Signed by Representatives Kirby.

Passed to Committee on Rules for second reading.

February 27, 2004

SSB 6601 Prime Sponsor, Senate Committee on Judiciary: Limiting obesity lawsuits. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 7.72 RCW to read as follows:

(1) Any manufacturer, packer, distributor, carrier, holder, marketer, or seller of a food or nonalcoholic beverage intended for human consumption, or an association of one or more such entities, shall not be subject to civil liability for personal injury or wrongful death based on an individual's consumption of food or nonalcoholic beverages in cases where liability is premised upon the individual's weight gain, obesity, or a health condition related to the individual's weight gain or obesity and resulting from the individual's long-term consumption of a food or nonalcoholic beverage.

(2) For the purposes of this section, the term "long-term consumption" means the cumulative effect of the consumption of food or nonalcoholic beverages, and not the effect of a single instance of consumption.

NEW SECTION. **Sec. 2.** This act may be cited as the commonsense consumption act."

Signed by Representatives Lantz, Chairman; Moeller, Vice Chairman; Flannigan; Kirby and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6609 Prime Sponsor, Senate Committee on Children & Family Services & Corrections: Revising timelines for sealing juvenile records. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended:

On page 4, line 35, after "offense or a" insert "conviction of an adult"

On page 5, beginning on line 2, after "court" strike everything through "felony" on line 4 and insert "judicial information system provides prosecutors access to information on the existence of sealed juvenile records upon the charging of the person with any juvenile offense or adult crime"

Signed by Representatives Dickerson, Chairman; Pettigrew, Vice Chairman; Delvin, Ranking Minority Member; Carrell; Hinkle; Lovick and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2004

ESSB 6642 Prime Sponsor, Senate Committee on Children & Family Services & Corrections: Ordering case conferences following shelter care hearings. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.067 and 2001 c 332 s 1 are each amended to read as follows:

(1) Following shelter care and no later than ~~((twenty-five))~~thirty days prior to fact-finding, the department, ~~((upon the parent's request or counsel for the parent's request,))~~ shall facilitate a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department and the parent regarding ~~((the care and placement of the child))~~ voluntary services for the parent.

The department shall invite to the case conference the parent, counsel for the parent, ~~((the foster parent or other out of home care provider))~~, caseworker, counsel for the state, guardian ad litem, counsel for the child, ~~((counselor, or other relevant health care provider,))~~ and any other person ~~((connected to the development and well-being of the child))~~ agreed upon by the parties. Once the shelter care order is entered, the department is not required to provide additional notice of the case conference to any participants in the case conference.

The ~~((initial))~~ written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific ~~((criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings))~~ services to be provided to the parent.

~~((The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement.))~~

The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department, upon the parent's request, shall facilitate a case conference.

Sec. 2. RCW 13.34.062 and 2001 c 332 s 2 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You ~~((may request that the department facilitate))~~ have a right to a case conference facilitated by the department to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing ~~((, or case conference))~~ be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. The order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than 30 days prior to the fact-finding hearing.

(6) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

~~((6-))~~(7) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 3. RCW 13.34.094 and 2001 c 332 s 6 are each amended to read as follows:

The department shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing~~((or case conference,))~~ information that describes these processes prior to the processes being undertaken."

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Referred to Committee on Appropriations.

February 26, 2004

SB 6643 Prime Sponsor, Senator Stevens: Providing guidelines for family visitation for dependent children. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.136 and 2003 c 227 s 4 are each amended to read as follows:

(1) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(2) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(3) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, the state, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

NEW SECTION. Sec. 3. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; and training for caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

NEW SECTION. Sec. 4. The department of social and health services shall report on the policies and protocols required under section 3 of this act to the appropriate committees of the legislature by January 1, 2005."

Correct the title.

Signed by Representatives Kagi, Chairman; Darneille, Vice Chairman; Boldt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Bailey; Dickerson; Miloscia; Pettigrew and Shabro.

Passed to Committee on Rules for second reading.

February 26, 2004

SSB 6655 Prime Sponsor, Senate Committee on Commerce & Trade: Regulating authorized representatives of beer and wine manufacturers and distributors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 9, beginning on line 13, after "shall be" strike all material through "certificate" on line 16 and insert the following:

~~"(one hundred dollars per year, which sum shall accompany the application for such certificate))~~ from time to time established by the board at a level that is sufficient to defray the costs of administering the certificate of approval program. The fee shall be fixed by rule by the board in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW"

On page 11, beginning on line 32, after "shall be" strike all material through "certificate" on line 35 and insert the following:

~~"(one hundred dollars per year, which sum shall accompany the application for such certificate))~~ from time to time established by the board at a level that is sufficient to defray the costs of administering the certificate of approval program. The fee shall be fixed by rule by the board in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse; Holmquist; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 27, 2004

SB 6663 Prime Sponsor, Senator Hewitt: Modifying promoters requirements for vendor tax registration. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

On page 3, line 30, strike "vendor" and insert "promoter"

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Roach and Santos.

Passed to Committee on Rules for second reading.

February 27, 2004

ESSB 6675 Prime Sponsor, Senate Committee on Financial Services, Insurance & Housing: Modifying unclaimed property laws for gift certificates. Reported by Committee on Finance

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

Passed to Committee on Rules for second reading.

February 27, 2004

SJR 8208 Prime Sponsor, Senator Morton: Amending the Constitution to allow multiyear excess property tax levies for cemetery districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

On page 2, line 20, after "districts" insert " , metropolitan park districts, library districts"

On page 2, line 23, after "fire facilities" insert " , metropolitan park facilities, library facilities"

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Roach and Santos.

Passed to Committee on Rules for second reading.

February 26, 2004

SSCR 8418 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Creating a joint select legislative task force to evaluate permitting processes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

Beginning on page 1, line 1, strike the entire concurrent resolution and insert the following:

"WHEREAS, The complexity of federal, state, and local permitting processes present coordinating challenges to regulators, project sponsors, and interested stakeholders; and

WHEREAS, A more simple, coordinated, and efficient permit system could promote economic development, support state and local land use requirements, and provide environmental protections; and

WHEREAS, A comprehensive review of permitting processes by a diverse group of stakeholders that includes each major caucus in the legislature and the governor is necessary to make recommendations for changes;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That a joint select legislative task force be established to evaluate and make recommendations to the legislature regarding the processes established by certain local governments, identified by the task force as being generally representative of other local governments in the state, for issuing permits to comply with: (1) Development regulations adopted pursuant to the growth management act, chapter 36.70A RCW; and (2) the requirements of the shoreline management act, chapter 90.58 RCW; and

BE IT FURTHER RESOLVED, That the evaluation and recommendations of the joint select legislative task force be limited to the permit processes established by counties subject to the requirements of RCW 36.70A.215 and the cities within those counties with at least fifty thousand residents as of the adoption date of this resolution; and

BE IT FURTHER RESOLVED, That the joint select legislative task force must invite the governor to join the task force for the purpose of forming a "Five-Corners Task Force"; and

BE IT FURTHER RESOLVED, That the joint select legislative task force be composed of the chair and ranking minority member of the senate land use and planning committee and the chair and ranking minority member of the house of representatives local government committee or their designees; and

BE IT FURTHER RESOLVED, That the task force gather information that the task force considers appropriate for the evaluation of permit processes established by the local governments identified by the task force; and

BE IT FURTHER RESOLVED, That an advisory committee be established to provide assistance to the task force, upon request of the task force, that is limited to the specific scope and content requested by the task force; and

BE IT FURTHER RESOLVED, That the advisory committee shall be composed of the following members or their designees: The director of the department of community, trade, and economic development; the director of the department of ecology; the director of the office of regulatory assistance; a representative of a county, selected by the Washington state association of counties; a representative of a city, selected by the association of Washington cities; a representative from the business community; two representatives from the environmental community, one selected by 1000 Friends of Washington, and one selected by the Washington Environmental Council; a representative from the property rights community; a representative from agriculture; a representative from labor; and a representative from federally recognized Indian tribes; and

BE IT FURTHER RESOLVED, That the advisory committee shall select a chair from among its members for the purpose of conducting meetings and transmitting information from the advisory committee as a group to the task force; and

BE IT FURTHER RESOLVED, That in developing its recommendations, the task force may consult with the advisory committee; and

BE IT FURTHER RESOLVED, That staff support for the task force and the advisory committee shall be provided by senate committee services and the house of representatives office of program research; and

BE IT FURTHER RESOLVED, That the task force must invite staff from the department of community, trade, and economic development, the department of ecology, and the office of regulatory assistance to provide additional staff support for the task force and the advisory committee; and

BE IT FURTHER RESOLVED, That the task force shall report its evaluations and recommendations to the appropriate legislative committees by January 1, 2006."

Signed by Representatives Romero, Chairman; D. Simpson, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Clibborn; Mielke; Moeller and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern and Ericksen.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., March 1, 2004, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FORTY SEVENTH DAY, FEBRUARY 27, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, March 1, 2004

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

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

There being no objection, the bills on the second reading calendar were referred to the Rules Committee with the exception of HOUSE BILL NO. 3187 and HOUSE BILL NO. 2776.

There being no objection, was placed on second reading calendar.

INTRODUCTION & FIRST READING

HB 3208 by Representative Delvin

AN ACT Relating to personal injury protection coverage for pedestrians accidentally struck by an insured automobile; and amending RCW 48.22.005.

Referred to Committee on Financial Institutions & Insurance.

HB 3209 by Representative Delvin

AN ACT Relating to lowering the liability limits for the midwife joint underwriting association; and amending RCW 48.87.050.

Referred to Committee on Financial Institutions & Insurance.

HB 3210 by Representative McDermott

AN ACT Relating to a nominating primary; amending RCW 29A.04.007, 29A.04.085, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.56.020, 29A.56.020, 29A.56.030, 29A.56.040, 29A.56.050, 29A.56.060, 29A.60.020, 29A.80.040, 29A.80.050, 29A.80.060, and 42.17.020; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new section to chapter 29A.36 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

HB 3211 by Representatives Ruderman, Nixon and Upthegrove

AN ACT Relating to law enforcement officer accountability when involved in traffic accidents; amending RCW 10.31.100, 46.52.030, 46.52.070, 46.52.130, and 46.63.030; and declaring an emergency.

Referred to Committee on Transportation.

HCR 4417 by Representatives Fromhold, Kagi, Benson, Morrell and Kenney

Establishing an early learning and child care legislative work group.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4417 which was placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES March 1, 2004

HB 2400 Prime Sponsor, Representative McMahan: Providing enhanced penalties for sex crimes against children. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

HB 3202 Prime Sponsor, Representative Linville: Increasing fees pertaining to water rights. Reported by Committee on Appropriations

March 1, 2004

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cox; McDonald; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

HB 3204 Prime Sponsor, Representative Sommers: Allowing basic health plan benefits for home care agency providers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 5034 Prime Sponsor, Senator Zarelli: Providing property tax relief for senior citizens and persons retired because of physical disability. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.36.381 and 1998 c 333 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital ((~~or~~), nursing home, boarding home, or adult family home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home ((~~or~~), hospital, boarding home, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of (~~physical~~) disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more

months of the assessment year by reason of the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of ~~((twenty-four))~~ thirty thousand dollars or less but greater than ~~((eighteen))~~ twenty-five thousand dollars shall be exempt from all regular property taxes on the greater of ~~((forty))~~ fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed ~~((sixty))~~ seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of ~~((eighteen))~~ twenty-five thousand dollars or less shall be exempt from all regular property taxes on the greater of ~~((fifty))~~ sixty thousand dollars or sixty percent of the valuation of his or her residence; ~~((and))~~

(6) For a person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less, the valuation of the residence shall be the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation shall be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification shall be the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence shall be the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property shall be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

Sec. 2. RCW 84.36.383 and 1999 c 358 s 18 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" means a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities. A mobile home located on land leased by the owner of the mobile home is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" means the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; ~~((and))~~

(b) The treatment or care of either person received in the home or in a nursing home, boarding home, or adult family home; and

(c) Health care insurance premiums for medicare under Title XVIII of the social security act.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

- (a) Capital gains, other than gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;
 - (b) Amounts deducted for loss;
 - (c) Amounts deducted for depreciation;
 - (d) Pension and annuity receipts;
 - (e) Military pay and benefits other than attendant-care and medical-aid payments;
 - (f) Veterans benefits other than attendant-care and medical-aid payments;
 - (g) Federal social security act and railroad retirement benefits;
 - (h) Dividend receipts; and
 - (i) Interest received on state and municipal bonds.
- (6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.
- (7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2004, or such subsequent date as the director may provide by rule consistent with the purpose of this section.

Sec. 3. RCW 84.38.030 and 1995 c 329 s 2 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381 and the parcel size limit under RCW 84.36.383.

(2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving a deferral at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section.

(3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, of ~~((thirty-four))~~ forty thousand dollars or less.

(4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value: PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.

(6) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available."

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris and Santos.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 5139 Prime Sponsor, Senate Committee on Higher Education: Concerning student preparation for college-level work. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by the Committee on Higher Education (For amendment, see Journal * Day, February 27, 2004). Signed by Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Conway; Cox; Kenney; McDonald; Sump and Talcott.

MINORITY Recommendation: Do not pass. Signed by Representatives Chandler; Clements; Cody; Dunshee; Grant; Hunter; Kagi; Kessler; Linville; McIntire; Miloscia; Ruderman and Schual-Berke.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 5326 Prime Sponsor, Senate Committee on Government Operations & Elections: Creating regional fire protection service authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that:

- (1) The ability to respond to emergency situations by many of Washington state's fire protection jurisdictions has not kept up with the state's needs, particularly in urban regions;
- (2) Providing a fire protection service system requires a shared partnership and responsibility among the federal, state, local, and regional governments and the private sector;
- (3) There are efficiencies to be gained by regional fire protection service delivery while retaining local control; and
- (4) Timely development of significant projects can best be achieved through enhanced funding options for regional fire protection service agencies, using already existing taxing authority to address fire protection emergency service needs and new authority to address critical fire protection projects and emergency services.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the governing body of a regional fire protection service authority.
- (2) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.
- (3) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under section 3 of this act to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection service projects.
- (4) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a fire protection service authority project or projects, including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to section 4(3)(b) of this act, and preservation and maintenance of existing or future facilities.
- (5) "Fire protection jurisdiction" means a fire district, city, town, port district, or Indian tribe.
- (6) "Regular property taxes" has the same meaning as in RCW 84.04.140.

NEW SECTION. Sec. 3. PLANNING COMMITTEE FORMATION. Regional fire protection service authority planning committees are advisory entities that are created, convened, and empowered as follows:

- (1) Any two or more adjacent fire protection jurisdictions may create a regional fire protection service authority and convene a regional fire protection service authority planning committee. No fire protection jurisdiction may participate in more than one authority.
- (2) Each governing body of the fire protection jurisdictions participating in planning under this chapter shall appoint three elected officials to the authority planning committee. Members of the planning committee may receive compensation of seventy dollars per day, or portion thereof, not to exceed seven hundred dollars per year, for attendance at planning committee meetings and for performance of other services in behalf of the authority, and may be reimbursed for travel and incidental expenses at the discretion of their respective governing body.
- (3) A regional fire protection service authority planning committee may receive state funding, as appropriated by the legislature, or county funding provided by the affected counties for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred. Upon creation of a regional fire protection service authority, the authority shall within one year reimburse the state or county for any sums advanced for these start-up costs from the state or county.
- (4) The planning committee shall conduct its affairs and formulate a regional fire protection service authority plan as provided under section 4 of this act.
- (5) At its first meeting, a regional fire protection service authority planning committee may elect officers and provide for the adoption of rules and other operating procedures.
- (6) The planning committee may dissolve itself at any time by a majority vote of the total membership of the planning committee. Any participating fire protection jurisdiction may withdraw upon thirty calendar days' written notice to the other jurisdictions.

NEW SECTION. Sec. 4. PLANNING COMMITTEE DUTIES. (1) A regional fire protection service authority planning committee shall adopt a regional fire protection service authority plan providing for the design, financing, and development of fire protection services. The planning committee may consider the following factors in formulating its plan:

- (a) Land use planning criteria; and
 - (b) The input of cities and counties located within, or partially within, a participating fire protection jurisdiction.
- (2) The planning committee may coordinate its activities with neighboring cities, towns, and other local governments that engage in fire protection planning.
- (3) The planning committee shall:
- (a) Create opportunities for public input in the development of the plan;
 - (b) Adopt a plan proposing the creation of a regional fire protection service authority and recommending design, financing, and development of fire protection and emergency service facilities and operations, including maintenance and preservation of facilities or systems, except that no ambulance service may be recommended unless the regional fire protection service authority determines that the fire protection jurisdictions that are members of the authority are not adequately served by existing private ambulance service in which case the authority may provide for the establishment of a system of ambulance service to be operated by the authority or operated by contract after a call for bids; and
 - (c) Recommend sources of revenue authorized by section 5 of this act and a financing plan to fund selected fire protection service projects.
- (4) Once adopted, the plan must be forwarded to the participating fire protection jurisdictions' governing bodies to initiate the election process under section 6 of this act.
- (5) If the ballot measure is not approved, the planning committee may redefine the selected regional fire protection service authority projects, financing plan, and the ballot measure. The fire protection jurisdictions' governing bodies may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at a subsequent election or a special election. If a ballot measure is not approved by the voters by the third vote, the planning committee is dissolved.

NEW SECTION. Sec. 5. TAXES AND FEES. (1) A regional fire protection service authority planning committee may, as part of a regional fire protection service authority plan, recommend the imposition of some or all of the following revenue sources, which a regional fire protection service authority may impose upon approval of the voters as provided in this chapter:

- (a) Benefit charges under sections 24 through 33 of this act;
 - (b) Property taxes under sections 15 through 18 and 20 of this act and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or
 - (c) Both (a) and (b) of this subsection.
- (2) Taxes and benefit charges may not be imposed unless they are identified in the regional fire protection service authority plan and the plan is approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in section 6 of this act. The voter approval requirement provided in this section is in addition to any other voter approval requirement under law for the levying of property taxes or the imposition of benefit charges. Revenues from these taxes and benefit charges may be used only to implement the plan as set forth in this chapter.

NEW SECTION. Sec. 6. SUBMISSION OF PLAN TO THE VOTERS. The governing bodies of two or more adjacent fire protection jurisdictions, upon receipt of the regional fire protection service authority plan under section 4 of this act, may certify the plan to the ballot, including identification of the tax options necessary to fund the plan. The governing bodies of the fire protection jurisdictions may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed authority for their approval or rejection as a single ballot measure that both approves formation of the authority and approves the plan. Authorities may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed regional fire protection service authority. A simple majority of the total persons voting on the single ballot measure to approve the plan, establish the authority, and approve the taxes is required for approval. The authority must act in accordance with the general election laws of the state. The authority is liable for its proportionate share of the costs when the elections are held under RCW 29A.04.320 and 29A.04.330.

NEW SECTION. Sec. 7. CERTIFICATION OF FORMATION. If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes, if any, the authority is formed. The appropriate county election officials shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the authority declaring the authority formed. A party challenging the procedure or the formation of a voter-approved authority must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the regional fire protection service authority and the attorney general within thirty days after the final certification

of the election. Failure to challenge within that time forever bars further challenge of the authority's valid formation.

NEW SECTION. Sec. 8. BOARD ORGANIZATION AND COMPOSITION. (1) The board shall adopt rules for the conduct of business. The board shall adopt bylaws to govern authority affairs, which may include:

- (a) The time and place of regular meetings;
 - (b) Rules for calling special meetings;
 - (c) The method of keeping records of proceedings and official acts;
 - (d) Procedures for the safekeeping and disbursement of funds; and
 - (e) Any other provisions the board finds necessary to include.
- (2) The governing board shall be determined by the plan and consist solely of elected officials.

NEW SECTION. Sec. 9. BOARD'S POWERS AND DUTIES. (1) The governing board of the authority is responsible for the execution of the voter-approved plan. Participating jurisdictions shall review the plan every ten years. The board shall:

- (a) Levy and impose taxes as authorized in the plan and approved by authority voters;
 - (b) Enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish authority purposes and protect the authority's investments;
 - (c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the authority;
 - (d) Monitor and audit the progress and execution of fire protection service projects to protect the investment of the public and annually make public its findings;
 - (e) Pay for services and enter into leases and contracts, including professional service contracts;
 - (f) Hire, manage, and terminate employees; and
 - (g) Exercise other powers and duties as may be reasonable to carry out the purposes of the authority.
- (2) An authority may acquire, hold, or dispose of real property.
(3) An authority may exercise the powers of eminent domain.
(4) An authority may enforce fire codes as provided under chapter 19.27 RCW.

NEW SECTION. Sec. 10. TRANSFER OF RESPONSIBILITIES. (1) All powers, duties, and functions of a participating fire protection jurisdiction pertaining to providing fire protection services may be transferred, by resolution, to the regional fire protection service authority.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the regional fire protection service authority. All real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the powers, functions, and duties transferred shall be made available to the regional fire protection service authority. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the regional fire protection service authority.

(b) Any appropriations made to the participating fire protection jurisdiction for carrying out the powers, functions, and duties transferred shall, on the effective date of the resolution, be transferred and credited to the regional fire protection service authority.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the participating fire protection jurisdiction shall make a determination as to the proper allocation.

(3) All rules and all pending business before the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the regional fire protection service authority. All existing contracts and obligations shall remain in full force and shall be performed by the regional fire protection service authority.

(4) The transfer of the powers, duties, functions, and personnel of the participating fire protection jurisdiction shall not affect the validity of any act performed before the effective date of the resolution.

(5) If apportionments of budgeted funds are required because of the transfers directed by the resolution, the treasurer under section 18 of this act shall certify the apportionments.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law. RCW 35.13.215 through 35.13.235 apply to the transfer of employees under this section.

NEW SECTION. Sec. 11. WITHDRAWAL OR REANNEXATION OF AREAS. (1) As provided in this section, a regional fire protection service authority may withdraw areas from its boundaries or reannex into the authority areas that previously had been withdrawn from the authority under this section.

(2)(a) The withdrawal of an area is authorized upon: (i) Adoption of a resolution by the board approving the withdrawal and finding that, in the opinion of the board, inclusion of this area within the regional fire protection service authority will result in a reduction of the authority's tax levy rate under the provisions of RCW 84.52.010; or (ii) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the governing body of the fire protection district within which the area is located approving the withdrawal, if the area is located outside of a city or town, but within a fire protection district.

(b) A withdrawal under this section is effective at the end of the day on the thirty-first day of December in the year in which the resolution under (a)(i) or (ii) of this subsection is adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the resolution.

(c) The withdrawal of an area from the boundaries of an authority does not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the authority existing at the time of withdrawal.

(3)(a) An area that has been withdrawn from the boundaries of a regional fire protection service authority under this section may be reannexed into the authority upon: (i) Adoption of a resolution by the board proposing the reannexation; and (ii) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the governing body of the fire protection district within which the area is located approving the reannexation, if the area is located outside of a city or town but within a fire protection district.

(b) A reannexation under this section shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the resolution under (a)(ii) of this subsection occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the resolution.

(c)(i) Referendum action on the proposed reannexation under this section may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or governing body of the fire protection district, within a thirty-day period after the adoption of the resolution under (a)(ii) of this subsection, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

(ii) If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date specified in RCW 29A.04.330 that occurs forty-five or more days after the petitions have been validated. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

NEW SECTION. Sec. 12. DISSOLUTION--ELECTION. Any fire protection district within the authority may be dissolved by a majority vote of the registered electors of the district at an election conducted by the election officials of the county or counties in which the district is located in accordance with the general election laws of the state. The proceedings for dissolution may be initiated by the adoption of a resolution by the board. The dissolution of the district shall not cancel outstanding obligations of the district or of a local improvement district within the district, and the county legislative authority or authorities of the county or counties in which the district was located may make annual levies against the lands within the district until the obligations of the districts are paid. All powers, duties, and functions of a dissolved fire protection jurisdiction within the authority boundaries, pertaining to providing fire protection services may be transferred, by resolution, to the regional fire protection service authority.

Sec. 13. RCW 57.90.010 and 1999 c 153 s 24 are each amended to read as follows:

Water-sewer, park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority or regional fire protection service authority, hereinafter referred to as "special districts," which are located wholly or in part within a county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period.

NEW SECTION. Sec. 14. DEBT AND BONDING. Unless contrary to this section, chapter 39.42 RCW applies to debt and bonding under this section. The authority may borrow money, but may not issue any debt of its own for more than ten years' duration. An authority may issue notes or other evidences of indebtedness with a maturity of not more than twenty years. An authority may, when authorized by the plan, enter into agreements with the state to pledge taxes or other revenues of the authority for the purpose of paying

in part or whole principal and interest on bonds issued by the authority. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.

NEW SECTION. Sec. 15. (1) To carry out the purposes for which a regional fire protection service authority is created, as authorized in the plan and approved by the voters, the governing board of an authority may annually levy the following taxes:

(a) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value;

(b) An ad valorem tax on all property located within the authority not to exceed fifty cents per thousand dollars of assessed value and which will not cause the combined levies to exceed the constitutional or statutory limitations. This levy, or any portion of this levy, may also be made when dollar rates of other taxing units are released by agreement with the other taxing units from their authorized levies; and

(c) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value if the authority has at least one full-time, paid employee, or contracts with another municipal corporation for the services of at least one full-time, paid employee. This levy may be made only if it will not affect dollar rates which other taxing districts may lawfully claim nor cause the combined levies to exceed the constitutional or statutory limitations or both.

(2) Levies in excess of the amounts provided in subsection (1) of this section or in excess of the aggregate dollar rate limitations or both may be made for any authority purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied must be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate authority fund or funds as provided by law, and must be paid out on warrants of the auditor of the county in which all, or the largest portion of, the authority is located, upon authorization of the governing board of the authority.

(3) Authorities are additionally authorized to incur general indebtedness and to issue general obligation bonds for capital purposes as provided in section 14 of this act. Authorities may provide for the retirement of general indebtedness by excess property tax levies, when the voters of the authority have approved a proposition authorizing such indebtedness and levies by an affirmative vote of three-fifths of those voting on the proposition at such an election, at which election the total number of persons voting shall constitute not less than forty percent of the voters in the authority who voted at the last preceding state general election. Elections must be held as provided in RCW 39.36.050. The maximum term of any bonds issued under the authority of this section may not exceed ten years and must be issued and sold in accordance with chapter 39.46 RCW.

(4) For purposes of this section, the term "value of the taxable property" has the same meaning as in RCW 39.36.015.

NEW SECTION. Sec. 16. At the time of making general tax levies in each year, the county legislative authority or authorities of the county or counties in which a regional fire protection service authority is located shall make the required levies for authority purposes against the real and personal property in the authority in accordance with the equalized valuations of the property for general tax purposes and as a part of the general taxes. The tax levies are part of the general tax roll and must be collected as a part of the general taxes against the property in the authority.

NEW SECTION. Sec. 17. In the event that lands lie within both a regional fire protection service authority and a forest protection assessment area they shall be taxed and assessed as follows:

(1) If the lands are wholly unimproved, they are subject to forest protection assessments but not to authority levies;

(2) If the lands are wholly improved, they are subject to authority levies but not to forest protection assessments; and

(3) If the lands are partly improved and partly unimproved, they are subject both to authority levies and to forest protection assessments. However, upon request, accompanied by appropriate legal descriptions, the county assessor shall segregate any unimproved portions which each consist of twenty or more acres, and thereafter the unimproved portion or portions are subject only to forest protection assessments.

NEW SECTION. Sec. 18. It is the duty of the county treasurer of the county in which the regional fire protection service authority created under this chapter is located to collect taxes authorized and levied under this chapter. However, when a regional fire protection service authority is located in more than one county, the county treasurer of each county in which the authority is located shall collect the regional fire protection service authority's taxes that are imposed on property located within the county and transfer these funds to the treasurer of the county in which the majority of the authority lies.

Sec. 19. RCW 84.09.030 and 1996 c 230 s 1613 are each amended to read as follows:

Except as follows, the boundaries of counties, cities and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of March of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district or regional fire protection service authority shall be established on the first day of October if the boundaries of the newly incorporated port district or regional fire protection service authority are coterminous with the boundaries of another taxing district or districts, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(4) Boundaries for a newly incorporated water-sewer district shall be established on the fifteenth of June of the year in which the proposition under RCW 57.04.050 authorizing a water district excess levy is approved.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section.

NEW SECTION. Sec. 20. A new section is added to chapter 84.52 RCW to read as follows:

(1) If a fire protection district is a participating fire protection jurisdiction in a regional fire protection service authority, the regular property tax levies of the fire protection district are limited as follows:

(a) The regular levy of the district under RCW 52.16.130 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(a) of this act;

(b) The levy of the district under RCW 52.16.140 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(b) of this act; and

(c) The levy of the district under RCW 52.16.160 shall not exceed fifty cents per thousand dollars of assessed value of taxable property in the district less the amount of any levy imposed by the authority under section 15(1)(c) of this act.

(2) If a city or town is a participating fire protection jurisdiction in a regional fire protection service authority, the regular levies of the city or town shall not exceed the applicable rates provided in RCW 27.12.390, 52.04.081, and 84.52.043(1) less the aggregate rates of any regular levies made by the authority under section 15(1) of this act.

(3) If a port district is a participating fire protection jurisdiction in a regional fire protection service authority, the regular levy of the port district under RCW 53.36.020 shall not exceed forty-five cents per thousand dollars of assessed value of taxable property in the district less the aggregate rates of any regular levies imposed by the authority under section 15(1) of this act.

(4) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority.

Sec. 21. RCW 84.52.010 and 2003 c 83 s 310 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (d) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to regional fire protection service authorities under section 15(1) (b) and (c) of this act and fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for regional fire protection service authorities under section 15(1)(a) of this act, fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.

Sec. 22. RCW 84.52.052 and 2003 c 83 s 312 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district, except school districts and fire protection districts, in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, water-sewer district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, cultural arts, stadium, and convention district, ferry district, ~~((or))~~ city transportation authority, or regional fire protection service authority.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

Sec. 23. RCW 84.52.069 and 1999 c 224 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, regional fire protection service authority, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district. The tax shall be imposed (a) each year for six consecutive years, (b) each year for ten consecutive years, or (c) permanently. A tax levy under this section must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW ~~((29.30.111))~~ 29A.36.210. A taxing district shall not submit to the voters at the same election multiple propositions to impose a levy under this section.

(3) A taxing district imposing a permanent levy under this section shall provide for separate accounting of expenditures of the revenues generated by the levy. The taxing district shall maintain a statement of the accounting which shall be updated at least every two years and shall be available to the public upon request at no charge.

(4) A taxing district imposing a permanent levy under this section shall provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. This referendum procedure shall specify that a referendum petition may be filed at any time with a filing officer, as identified in the ordinance or resolution. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner shall have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the taxing district, as of the last general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election within the taxing district if one is to be held within one hundred eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose in accordance with RCW ~~((29.13.020))~~ 29A.04.330.

The referendum procedure provided in this subsection shall be exclusive in all instances for any taxing district imposing the tax under this section and shall supersede the procedures provided under all other statutory or charter provisions for initiative or referendum which might otherwise apply.

(5) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(6) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. If a regional fire protection service authority imposes a tax under this section, no other taxing

district that is a participating fire protection jurisdiction in the regional fire protection service authority may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is limited in duration and that is authorized subsequent to a county emergency medical service levy that is limited in duration, shall expire concurrently with the county emergency medical service levy.

(7) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

(8) If a ballot proposition approved under subsection (2) of this section did not impose the maximum allowable levy amount authorized for the taxing district under this section, any future increase up to the maximum allowable levy amount must be specifically authorized by the voters in accordance with subsection (2) of this section at a general or special election.

(9) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(10) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority.

NEW SECTION. Sec. 24. (1) The governing board of a regional fire protection service authority may by resolution, as authorized in the plan and approved by the voters, for authority purposes authorized by law, fix and impose a benefit charge on personal property and improvements to real property which are located within the authority on the date specified and which have received or will receive the benefits provided by the authority, to be paid by the owners of the properties. A benefit charge does not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto. However, a benefit charge does apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education. The aggregate amount of these benefit charges in any one year may not exceed an amount equal to sixty percent of the operating budget for the year in which the benefit charge is to be collected. It is the duty of the county legislative authority or authorities of the county or counties in which the regional fire protection service authority is located to make any necessary adjustments to assure compliance with this limitation and to immediately notify the governing board of an authority of any changes thereof.

(2) A benefit charge imposed must be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the authority. It is acceptable to apportion the benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and is subject to contest on the grounds of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the authority. The governing board of an authority may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this chapter is not applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter

maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but the property may be protected by the authority under a contractual agreement.

(3) For administrative purposes, the benefit charge imposed on any individual property may be compiled into a single charge, provided that the authority, upon request of the property owner, provide an itemized list of charges for each measurable benefit included in the charge.

(4) For the purposes of this section and sections 25 through 33 of this act, the following definitions apply:

(a)(i) "Personal property" includes every form of tangible personal property including, but not limited to, all goods, chattels, stock in trade, estates, or crops.

(ii) "Personal property" does not include any personal property used for farming, field crops, farm equipment, or livestock.

(b) "Improvements to real property" does not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

NEW SECTION. Sec. 25. All personal property not assessed and subjected to ad valorem taxation under Title 84 RCW, all property under contract or for which the regional fire protection service authority is receiving payment for as authorized by law, all property subject to chapter 54.28 RCW, and all property that is subject to a contract for services with an authority, is exempt from the benefit charge imposed under this chapter.

NEW SECTION. Sec. 26. (1) The resolution establishing benefit charges as specified in section 24 of this act must specify, by legal geographical areas or other specific designations, the charge to apply to each property by location, type, or other designation, or other information that is necessary to the proper computation of the benefit charge to be charged to each property owner subject to the resolution.

(2) The county assessor of each county in which the regional fire protection service authority is located shall determine and identify the personal properties and improvements to real property that are subject to a benefit charge in each authority and shall furnish and deliver to the county treasurer of that county a listing of the properties with information describing the location, legal description, and address of the person to whom the statement of benefit charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the benefit charge to apply to each. These benefit charges must be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources under RCW 76.04.610 and the same penalties and provisions for collection apply.

NEW SECTION. Sec. 27. Each regional fire protection service authority shall contract, prior to the imposition of a benefit charge, for the administration and collection of the benefit charge by each county treasurer, who shall deduct a percentage, as provided by contract to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the benefit charges imposed on behalf of each authority, less the deduction provided for in the contract.

NEW SECTION. Sec. 28. (1) Notwithstanding any other provision in this chapter to the contrary, any benefit charge authorized by this chapter is not effective unless a proposition to impose the benefit charge is approved by a sixty percent majority of the voters of the regional fire protection service authority voting at a general election or at a special election called by the authority for that purpose, held within the authority. An election held under this section must be held not more than twelve months prior to the date on which the first charge is to be assessed. A benefit charge approved at an election expires in six years or fewer as authorized by the voters, unless subsequently reapproved by the voters.

(2) The ballot must be submitted so as to enable the voters favoring the authorization of a regional fire protection service authority benefit charge to vote "Yes" and those opposed to vote "No." The ballot question is as follows:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to impose benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW . . . (section 15(1)(c) of this act)?

YES NO

(3) Authorities renewing the benefit charge may elect to use the following alternative ballot:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to continue voter-authorized benefit charges each year for . . . (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW . . . (section 15(1)(c) of this act)?

YES NO

NEW SECTION. Sec. 29. (1) Not fewer than ten days nor more than six months before the election at which the proposition to impose the benefit charge is submitted as provided in this chapter, the governing board of the regional fire protection service authority shall hold a public hearing specifically setting forth its proposal to impose benefit charges for the support of its legally authorized activities that will maintain or improve the services afforded in the authority. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(2) Prior to November 15th of each year the governing board of the authority shall hold a public hearing to review and establish the regional fire protection service authority benefit charges for the subsequent year.

(3) All resolutions imposing or changing the benefit charges must be filed with the county treasurer or treasurers of each county in which the property is located, together with the record of each public hearing, before November 30th immediately preceding the year in which the benefit charges are to be collected on behalf of the authority.

(4) After the benefit charges have been established, the owners of the property subject to the charge must be notified of the amount of the charge.

NEW SECTION. Sec. 30. A regional fire protection service authority that imposes a benefit charge under this chapter shall not impose all or part of the property tax authorized under section 15(1)(c) of this act.

NEW SECTION. Sec. 31. After notice has been given to the property owners of the amount of the charge, the governing board of a regional fire protection service authority imposing a benefit charge under this chapter shall form a review board for at least a two-week period and shall, upon complaint in writing of an aggrieved party owning property in the authority, reduce the charge of a person who, in their opinion, has been charged too large a sum, to a sum or amount as they believe to be the true, fair, and just amount.

NEW SECTION. Sec. 32. The Washington fire commissioners association, as soon as practicable, shall draft a model resolution to impose the regional fire protection service authority benefit charge authorized by this chapter and may provide assistance to authorities in the establishment of a program to develop benefit charges.

NEW SECTION. Sec. 33. A person who is receiving the exemption contained in RCW 84.36.381 through 84.36.389 is exempt from any legal obligation to pay a portion of the benefit charge imposed under this chapter as follows:

(1) A person who meets the income limitation contained in RCW 84.36.381(5)(a) and does not meet the income limitation contained in RCW 84.36.381(5)(b) (i) or (ii) is exempt from twenty-five percent of the charge;

(2) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(i) is exempt from fifty percent of the charge; and

(3) A person who meets the income limitation contained in RCW 84.36.381(5)(b)(ii) shall be exempt from seventy-five percent of the charge.

Sec. 34. RCW 35.21.766 and 1975 1st ex.s. c 24 s 1 are each amended to read as follows:

Whenever a regional fire protection service authority or the legislative authority of any city or town determines that the fire protection jurisdictions that are members of the authority or the city or town or a substantial portion of the city or town is not adequately served by existing private ambulance service, the governing board of the authority may by resolution, or the legislative authority of the city or town may by appropriate legislation, provide for the establishment of a system of ambulance service to be operated by the authority as a public utility of the city or town, or operated by contract after a call for bids.

NEW SECTION. Sec. 35. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 36. CODIFICATION. Sections 1 through 12, 14 through 18, and 24 through 33 of this act constitute a new chapter in Title 52 RCW.

NEW SECTION. Sec. 37. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris and Santos.

Passed to Committee on Rules for second reading.

March 1, 2004

E3SSB 5364 Prime Sponsor, Senate Committee on Ways & Means: Promoting economic development and community revitalization. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Hunter, Vice Chairman; Conway and Santos.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 5376 Prime Sponsor, Senator Prentice: Describing the route of SR 99. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 1, 2004

3SSB 5412 Prime Sponsor, Senate Committee on Highways & Transportation: Requiring biometric identifiers from applicants for driver's licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Clibborn; Cooper; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Nixon; Rodne; Romero; Shabro; G. Simpson; Wallace and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Campbell; Dickerson; Kristiansen; Mielke; Schindler and Wood.

Passed to Committee on Rules for second reading.

March 1, 2004

ESSB 5431 Prime Sponsor, Senate Committee on Highways & Transportation: Updating laws on drugs and alcohol use by commercial drivers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Dickerson; Hankins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Schindler; Shabro; Wallace and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives G. Simpson, Vice Chairman; Cooper; Flannigan; Hatfield; Hudgins; Romero and Wood.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 5597 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Finance

MAJORITY Recommendation: Do pass as amended by Committee on Health Care (For amendment, see Journal * Day, February 27, 2004). Signed by Representatives McIntire, Chair; Hunter, Vice Chair; Cairnes, Ranking Minority Member; Orcutt, Asst Ranking Minority Member; Ahern; Conway and Santos.

MINORITY Recommendation: Do not pass. Signed by Representative Morris.

Passed to Committee on Rules for second reading.

March 1, 2004

ESSB 5877 Prime Sponsor, Senate Committee on Education: Changing the learning assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education (For amendment, see Journal * Day, February 27, 2004). Signed by Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

2SSB 5914 Prime Sponsor, Senate Committee on Ways & Means: Studying potential higher education opportunities in Vancouver. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Higher Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that over the next decade, large numbers of Washington students will graduate from high school and seek access to higher education. Washington's new knowledge-based economy demands ever-increasing levels of education and training from our work force. The legislature also recognizes that there is insufficient access in some urban areas of the state with greatest population density. These areas could benefit educationally and economically from expanded baccalaureate and graduate education opportunities. With increased demand and limited resources to provide such expansion, the legislature finds it necessary to examine thoroughly and objectively the prospect of creating additional educational opportunities in underserved areas such as southwest Washington and the central Puget Sound region.

NEW SECTION. **Sec. 2.** (1) The Washington state institute for public policy shall develop evaluation criteria and identify data necessary to study the feasibility of creating additional public baccalaureate and graduate education opportunities in underserved areas of the state. The criteria must be rigorous, objective, and applicable to various regions of the state. The study methodology must include consultation with community leaders. The criteria must include but not be limited to the following:

- (a) A detailed regional analysis of student demand and supply of degree programs from existing higher education institutions;
 - (b) Population and demographic projections for a region;
 - (c) Potential regional economic development, including types of businesses and employers and their educational and work force training needs;
 - (d) Evaluation of alternative models of providing baccalaureate and professional graduate education in a region, including expanding existing partnerships between community and technical colleges and four-year institutions;
 - (e) Examination of the possible role and mission of new or modified higher education institutions in a region, including the possibility of an innovative combination of instruction and research suitable for meeting a region's needs for access as well as support the expansion of a region's economic viability;
 - (f) Analysis of short and long-term operating and capital costs; and
 - (g) A balance between local or regional interests and statewide needs.
- (2) Once the evaluation criteria, data, and methodology have been developed, the institute shall conduct the first feasibility study in southwest Washington.
- (3) The institute shall submit its findings from the first feasibility study to the higher education and fiscal committees of the senate and house of representatives by December 15, 2004.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

E2SSB 5957 Prime Sponsor, Senate Committee on Ways & Means: Establishing a system of standards and procedures concerning water quality data. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Higher Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

- (a) The proper collection and review of credible water quality data is necessary to ensure compliance with the requirements of the federal clean water act (33 U.S.C. Sec. 1251 et seq.);
 - (b) The state needs to assemble and evaluate all existing and readily available water quality-related data and information from sources other than the state water quality agency, such as federal agencies, tribes, universities, and volunteer monitoring groups, if the data meets the state's requirements for data quality; and
 - (c) Developing and implementing water quality protection measures based on credible water quality data ensures that the financial resources of state and local governments and regulated entities are prioritized to address our state's most important water quality issues.
- (2) The legislature intends to ensure that credible water quality data is used as the basis for the assessment of the status of a water body relative to the surface water quality standards.
- (3) It is the intent of the legislature that a water body in which pollutant loadings from naturally occurring conditions are the sole cause of a violation of applicable surface water quality standards not be listed as impaired.

NEW SECTION. Sec. 2. The definitions in this section apply to sections 3 and 4 of this act unless the context clearly requires otherwise.

- (1) "Credible data" means data meeting the requirements of section 4 of this act.
- (2) "Department" means the Washington state department of ecology.
- (3) "Impaired water" means a water body or segment for which credible data exists that: (a) Satisfies the requirements of sections 3 and 4 of this act; and (b) demonstrates the water body should be identified pursuant to 33 U.S.C. Sec. 1313(d).

(4) "Naturally occurring condition" means any condition affecting water quality that is not caused by human influence.

(5) "Section 303(d)" has the same meaning as in the federal clean water act (33 U.S.C. Sec. 1313(d)).

(6) "Total maximum daily load" has the same meaning as in the federal clean water act (33 U.S.C. Sec. 1313(d)).

NEW SECTION. Sec. 3. (1) The department shall use credible information and literature for developing and reviewing a surface water quality standard or technical model used to establish a total maximum daily load for any surface water of the state.

(2) The department shall use credible data for the following actions after the effective date of this section:

(a) Determining whether any water of the state is to be placed on or removed from any section 303(d) list;

(b) Establishing a total maximum daily load for any surface water of the state; or

(c) Determining whether any surface water of the state is supporting its designated use or other classification.

(3) The department shall respond to questions regarding the data, literature, and other information it uses under this section. The department shall reply to requests within five business days acknowledging that the department has received the request and provide a reasonable estimate of the time the department will require to respond to the request.

NEW SECTION. Sec. 4. (1) In collecting and analyzing water quality data for any purpose identified in section 3(2) of this act, data is considered credible data if:

(a) Appropriate quality assurance and quality control procedures were followed and documented in collecting and analyzing water quality samples;

(b) The samples or measurements are representative of water quality conditions at the time the data was collected;

(c) The data consists of an adequate number of samples based on the objectives of the sampling, the nature of the water in question, and the parameters being analyzed; and

(d) Sampling and laboratory analysis conform to methods and protocols generally acceptable in the scientific community as appropriate for use in assessing the condition of the water.

(2) Data interpretation, statistical, and modeling methods shall be those methods generally acceptable in the scientific community as appropriate for use in assessing the condition of the water.

(3) The department shall develop policy:

(a) Explaining how it uses scientific research and literature for developing and reviewing any water quality standard or technical model used to establish a total maximum daily load for any water of the state;

(b) Describing the specific criteria that determine data credibility; and

(c) Defining the appropriate training and experience in order to collect credible data.

NEW SECTION. Sec. 5. Any person who knowingly falsifies data is guilty of a gross misdemeanor.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 90.48 RCW.

NEW SECTION. Sec. 7. By December 31, 2005, the department of ecology shall report to the appropriate committees of the senate and the house of representatives concerning the status of activities undertaken to comply with the provisions of this act, and shall report by December 31, 2006 any rule-making or policy development required to implement this act, including changes in listings resulting from the use of credible data."

On page 1, line 1 of the title, after "data;" strike the remainder of the title and insert "adding new sections to chapter 90.48 RCW; creating a new section; and prescribing penalties."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

2SSB 6082 Prime Sponsor, Senate Committee on Ways & Means: Expanding the criteria for habitat conservation programs. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.15.010 and 1990 1st ex.s. c 14 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Committee" means the interagency committee for outdoor recreation.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Local agencies" means a city, county, town, federally recognized Indian tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

(5) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(6) "Riparian habitat" means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

(7) "Special needs populations" means physically restricted people or people of limited means.

~~((7))~~ (8) "State agencies" means the state parks and recreation commission, the department of natural resources, the department of general administration, and the department of fish and wildlife.

(9) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

~~((8))~~ (10) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

~~((9))~~ (11) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

Sec. 2. RCW 79A.15.030 and 2000 c 11 s 66 are each amended to read as follows:

(1) Moneys appropriated for this chapter shall be divided ~~((equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter))~~ as follows:

(a) Appropriations for a biennium of forty million dollars or less must be allocated equally between the habitat conservation account and the outdoor recreation account.

(b) If appropriations for a biennium total more than forty million dollars, the money must be allocated as follows: (i) Twenty million dollars to the habitat conservation account and twenty million dollars to the outdoor recreation account; (ii) any amount over forty million dollars up to fifty million dollars shall be allocated as follows: (A) Twenty-five percent to the habitat conservation account; (B) twenty-five percent to the outdoor recreation account; and (C) fifty percent to the riparian protection account; and (iii) any remaining amounts over fifty million dollars must be allocated as follows: (A) One-third to the habitat conservation account; (B) one-third to the outdoor recreation account; and (C) one-third to the riparian protection account.

(2) Except as otherwise provided in this act, moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.

(3) All moneys deposited in the habitat conservation ~~((and)),~~ outdoor recreation, and riparian protection accounts shall be allocated as provided under RCW 79A.15.040 ~~((and)),~~ 79A.15.050, and section 5 of this act as grants to state or local agencies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The committee may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter.

(4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public ~~((on a nondiscriminatory basis)).~~

(5) The committee may make grants to an eligible project from ~~((both))~~ the habitat conservation ~~((and)),~~ outdoor recreation, and riparian protection accounts and any one or more of the applicable categories under such accounts described in RCW 79A.15.040 ~~((and)),~~ 79A.15.050, and section 5 of this act.

(6) The committee may accept private donations to the habitat conservation account, the outdoor recreation account, and the riparian protection account for the purposes specified in this chapter.

(7) The committee may apply up to three percent of the funds appropriated for this chapter for the administration of the programs and purposes specified in this chapter.

Sec. 3. RCW 79A.15.040 and 1999 c 379 s 917 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than thirty-five percent for the acquisition and development of critical habitat;

(b) Not less than twenty percent for the acquisition and development of natural areas;

(c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; ~~((and))~~

(d) ~~((The remaining amount shall be considered unallocated and))~~ Not less than five percent shall be used by the committee to fund ((high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997)) restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands; and

(e) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat and for restoration and enhancement projects on state lands.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for ~~((critical habitat and))~~ natural areas projects under subsection (1)~~((a,))~~ (b)~~((, and (d)))~~ of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) ~~((and (d)))~~ of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of sections 9 and 10 of this act.

Sec. 4. RCW 79A.15.050 and 2003 c 184 s 1 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than ~~((twenty five))~~ thirty percent to the state parks and recreation commission for the acquisition ~~((and)),~~ renovation, or development of state parks, with at least ~~((seventy five))~~ fifty percent of ~~((this))~~ the money for acquisition costs~~((-- However, between July 27, 2003, and June 30, 2009, at least fifty percent of this money for the acquisition and development of state parks must be used for acquisition costs));~~

(b) Not less than ~~((twenty five))~~ thirty percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than ~~((fifteen))~~ twenty percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; ~~((and))~~

(e) Not less than five percent for development and renovation projects on state recreation lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on their existing recreation lands; and

(f) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) Only state and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) Only state and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. **Sec. 5.** A new section is added to chapter 79A.15 RCW to read as follows:

(1) The riparian protection account is established in the state treasury. The committee must administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the committee.

(2) Moneys appropriated for this chapter to the riparian protection account must be distributed for the acquisition and enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under subsection (9)(a) of this section, must include the acquisition of a real property interest in order to be eligible. At least fifty percent of riparian protection account funds must be used for the acquisition of real property interests.

(3) State and local agencies and lead entities under chapter 77.85 RCW may apply for acquisition and enhancement or restoration funds for riparian habitat projects under subsection (1) of this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

(4) The committee may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the committee to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(7) The committee may not approve a local project where the local agency share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local agency's share.

(8) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due under chapter 84.34 RCW.

(9) In determining acquisition priorities with respect to the riparian protection account, the committee must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be highly considered in the process. Such applications are also eligible for an additional conservation lease of at least twenty-five years of duration;

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether there is an immediate threat to the site;

(e) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(f) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process; and

(g) Whether the site has educational or scientific value.

(10) Before November 1st of each even-numbered year, the committee will recommend to the governor a prioritized list of projects to be funded under this section. The governor may remove projects from the list recommended by the committee and will submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

Sec. 6. RCW 79A.15.060 and 2000 c 11 s 67 are each amended to read as follows:

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) ~~Except as provided in RCW 79A.15.030(7), moneys appropriated for this chapter may not be used by the committee to fund ((additional)) staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation ((and)) or maintenance of areas acquired under this chapter((, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997)).~~

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) ~~((Except as provided in subsection (5) of this section,))~~ The committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) ~~((During the fiscal biennium ending June 30, 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.~~

~~(6))~~ In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support for the project;

(ii) Recommendations as part of a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort, and for projects primarily intended to benefit salmon, limiting factors, or critical pathways analysis;

~~(iii)~~ (iii) Immediacy of threat to the site;

~~((iii))~~ (iv) Uniqueness of the site;

~~((iv))~~ (v) Diversity of species using the site;

~~((v))~~ (vi) Quality of the habitat;

~~((vi))~~ (vii) Long-term viability of the site;

~~((vii))~~ (viii) Presence of endangered, threatened, or sensitive species;

~~((viii))~~ (ix) Enhancement of existing public property;

~~((ix))~~ (x) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130; ~~(and~~

~~(x))~~ (xi) Educational and scientific value of the site;

(xii) Integration with recovery efforts for endangered, threatened, or sensitive species;

(xiii) For critical habitat proposals by local agencies, the statewide significance of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

~~((7))~~ (6) Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 79A.15.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

~~((8))~~ (7) Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 79A.15.040(1) (a) and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 7. RCW 79A.15.070 and 2000 c 11 s 68 are each amended to read as follows:

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Except as provided in RCW 79A.15.030(7), moneys appropriated for this chapter may not be used by the committee to fund ((additional)) staff or other overhead expenses, or by a state, regional, or local agency to fund operation ((and)) or maintenance of areas acquired under this chapter((, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997).

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition and development, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

- (6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:
- (a) For trails proposals:
 - (i) Community support for the project;
 - (ii) Immediacy of threat to the site;
 - (iii) Linkage between communities;
 - (iv) Linkage between trails;
 - (v) Existing or potential usage;
 - (vi) Consistency with ~~((an existing))~~ a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130;
 - (vii) Availability of water access or views;
 - (viii) Enhancement of wildlife habitat; and
 - (ix) Scenic values of the site.
 - (b) For water access proposals:
 - (i) Community support for the project;
 - (ii) Distance from similar water access opportunities;
 - (iii) Immediacy of threat to the site;
 - (iv) Diversity of possible recreational uses; ~~((and))~~
 - (v) Public demand in the area; and
 - (vi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130.

(7) Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 79A.15.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before ~~((October))~~ November 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 79A.15.050(1) (b), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 8. RCW 79A.15.080 and 1990 1st ex.s. c 14 s 9 are each amended to read as follows:

The committee shall not sign contracts or otherwise financially obligate funds from the habitat conservation account ~~((or))~~, the outdoor recreation account, or the riparian protection account as provided in this chapter before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the governor.

NEW SECTION. Sec. 9. A new section is added to chapter 79.70 RCW to read as follows:

The state treasurer, on behalf of the department, must distribute to counties for all lands acquired for the purposes of this chapter an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW, plus an additional amount equal to the amount of weed control assessment that would be due if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due under chapter 84.34 RCW. The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

NEW SECTION. Sec. 10. A new section is added to chapter 79.71 RCW to read as follows:

The state treasurer, on behalf of the department, must distribute to counties for all lands acquired for the purposes of this chapter an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW, plus an additional amount equal to the amount of weed control assessment that would be due if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due under chapter 84.34 RCW. The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

Sec. 11. RCW 84.33.140 and 2003 c 170 s 5 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
		\$234
	1	
1	2	229
		217
	3	
		157
	4	
		198
	1	
2	2	190
		183
	3	
		132
	4	
		154
	1	
3	2	149
		148
	3	
		113
	4	
		117
	1	
4	2	114

	3	113
	4	86
	1	85
5	2	78
	3	77
	4	52
	1	43
6	2	39
	3	39
	4	37
	1	21
7	2	21
	3	20
	4	20
8		1

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h); or

(i) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place after July 22, 2001, and on or before July 22, 2003, and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(i).

(14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 12. RCW 77.12.203 and 1990 1st ex.s. c 15 s 11 are each amended to read as follows:

(1) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county shall distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county shall distribute the amount received under this section for weed control to the appropriate weed district.

NEW SECTION. **Sec. 13.** This act takes effect July 1, 2005."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 79A.15.080, 84.33.140, and 77.12.203; adding a new section to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; and providing an effective date."

Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Priest, Assistant Ranking Minority Member; Blake; Chase; Eickmeyer; Kirby; Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; G. Simpson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Benson; Bush; Hankins; Hinkle; Orcutt; Schoesler and Woods.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 6143 Prime Sponsor, Senator Kastama: Determining eligibility for veteran's regular or special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 1, 2004

2SSB 6144 Prime Sponsor, Senate Committee on Ways & Means: Developing a statewide plan to address forest health. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources (For amendment, see Journal * Day, February 27, 2004). Signed by Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler;

Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6148 Prime Sponsor, Senate Committee on Highways & Transportation: Authorizing special license plates to honor law enforcement officers killed in the line of duty. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The legislature recognizes that the law enforcement memorial license plate has been reviewed by the special license plate review board as specified in chapter 196, Laws of 2003, and was found to fully comply with all provisions of chapter 196, Laws of 2003.

(2) The department shall issue a special license plate displaying a symbol, approved by the special license plate review board, honoring law enforcement officers in Washington killed in the line of duty. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon the terms and conditions established by the department.

NEW SECTION. Sec. 2. A new section is added to chapter 46.16 RCW to read as follows:

"Law enforcement memorial license plates" means license plates issued under section 1 of this act that display a symbol honoring law enforcement officers in Washington killed in the line of duty.

Sec. 3. RCW 46.16.313 and 1997 c 291 s 8 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. Until December 31, 1997, the fee shall not exceed thirty-five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) Effective with vehicle registrations due or to become due on January 1, 1998, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(5) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate

production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(7) Effective with vehicle registrations due or to become due on January 1, 2005, in addition to all fees and taxes required to be paid upon application and registration of a vehicle, the holder of a "law enforcement memorial" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under section 4 of this act.

(8) Effective with annual renewals due or to become due on January 1, 2006, in addition to all fees and taxes required to be paid upon renewal of a vehicle registration, the holder of a "law enforcement memorial" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. Pursuant to RCW 46.16.755, the state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate. Upon the determination by the department that the state has been reimbursed, the treasurer shall credit the proceeds to the law enforcement memorial account established under section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

(1) The law enforcement memorial account is created in the custody of the state treasurer. Upon the department's determination that the state has been reimbursed for the cost of implementing the law enforcement memorial special license plate, all receipts, except as provided in RCW 46.16.313 (7) and (8), from law enforcement memorial license plates must be deposited into the account. Only the director of the department of licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Funds in the account must be disbursed subject to the following conditions and limitations:

(a) Pursuant to the requirements set out in RCW 46.16.765 the department must contract with a qualified nonprofit organization to provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers.

(b) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation incorporated and operating exclusively in Washington that has received a determination of tax exempt status under section 501(c)(3) of the federal internal revenue code. The organization must have been established for the express purposes of providing support and assistance to the survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers.

(c) The qualified nonprofit must meet all requirements set out in RCW 46.16.765.

Sec. 5. RCW 46.16.316 and 1997 c 291 s 10 are each amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates under section 1 of this act or RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all

other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates."

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6171 Prime Sponsor, Senate Committee on Education: Regarding misconduct investigations conducted by the superintendent of public instruction. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education (For amendment, see Journal * Day, February 27, 2004). Signed by Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 6185 Prime Sponsor, Senator Horn: Modifying the disposition of title fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6211 Prime Sponsor, Senate Committee on Education: Changing the school district levy base calculation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.500.020 and 1999 c 317 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "Statewide average twelve percent levy rate" means twelve percent of the total levy bases as defined in RCW 84.52.0531 (3) and (4) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's twelve percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(~~(4)~~) (5) multiplied by twelve percent.

(d) The "district's twelve percent levy rate" means the district's twelve percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a twelve percent levy rate that exceeds the statewide average twelve percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

Sec. 2. RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection ((4)) (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection ((4)) (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year ((1998)) 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through 2007, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 84.52.068; and

(b) The difference between the allocations the district would have received the prior school year had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess. and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection ~~((5))~~ (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

~~((5))~~ (6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((6))~~ (7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((7))~~ (8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

~~((8))~~ (9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

~~((9))~~ (10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. **Sec. 3.** This act expires January 1, 2008."

On page 1, line 1 of the title, after "calculations;" strike the remainder of the title and insert "amending RCW 28A.500.020 and 84.52.0531; and providing an expiration date."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Clements.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 6234 Prime Sponsor, Senator Oke: Concerning nonhighway and off-road vehicles. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Fisheries, Ecology & Parks (For amendment, see Journal * Day, February 27, 2004). Signed by Representatives Dunshee, Chair; Hunt, Vice Chair; Alexander, Ranking Minority Member; Priest, Asst Ranking Minority Member; Blake; Chase; Eickmeyer; Hinkle; Kirby; Lantz; Morrell; Murray; Newhouse; O'Brien; Schoesler; G. Simpson; Veloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Benson; Bush; Hankins; Mastin and Orcutt.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6240 Prime Sponsor, Senate Committee on Ways & Means: Modifying tax incentive provisions for rural counties. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of manufacturing computer software or programming, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one rural county to another rural county is eligible for any new qualifying employment positions created as a result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a rural county and the new qualified employment position must be located in the rural county.

(b) If an activity is conducted both from a rural county and outside of a rural county, the credit is available if at least ninety percent of the qualifying activity is conducted within a rural county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each new qualified employment position created after January 1, 2004, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to four years. The county must meet the definition of a rural county at the time the position is filled. If the county does not have a rural county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Participants who claimed credit under RCW 82.04.4456 for qualified employment positions created before December 31, 2003, are eligible to earn credit for each year the position is maintained over the subsequent consecutive years, for up to four years, which four years include any years claimed under RCW 82.04.4456. Those persons who did not receive a credit under RCW 82.04.4456 before December 31, 2003, are not eligible to earn credit for qualified employment positions created before December 31, 2003.

(c) Credit is authorized for new employees hired for new qualified employment positions created on or after January 1, 2004. New qualified employment positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(d) If a position is filled before July 1st, the position is eligible for the full yearly credit for that calendar year. If it is filled after June 30th, the position is eligible for half of the credit for that calendar year.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity conducted in the rural county and outside the rural county by the person as well as detailed records on positions and employees.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525 or is taking a credit under this chapter for information technology help desk services conducted from a rural county. No refunds may be granted for credits under this section.

(8) Transfer of ownership does not affect credit eligibility. However, the successive credits are available to the successor for remaining periods in the five years only if the eligibility conditions of this section are met.

(9) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, how long the person has been located in the county, and taxpayer name and registration number. The report must be filed by January 30th of each year for which credit was claimed during the previous year. Failure to file a report will not result in the loss of eligibility under this section. However, the department, through its research division, shall contact taxpayers who have not filed the report and obtain the data from the taxpayer or assist the taxpayer in the filing of the report, so that the data and information necessary to measure the program's effectiveness is maintained.

(10) As used in this section:

(a) "Computer software" has the meaning as defined in RCW 82.04.215 after June 30, 2004, and includes "software" as defined in RCW 82.04.215 before July 1, 2004.

(b) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120. Manufacturing includes the activities of both manufacturers and processors for hire.

(c) "Programming" means the activities that involve the creation or modification of computer software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(d) "Qualifying activity" means manufacturing of computer software or programming.

(e) "Qualified employment position" means a permanent full-time position doing programming of computer software or manufacturing of computer software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(f) "Rural county" means the same as in RCW 82.14.370.

(11) No credit may be taken or accrued under this section on or after January 1, 2011.

(12) This section expires January 1, 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a rural county.

(3) The amount of the tax credit for persons engaged in the activity of providing information technology help desk services in rural counties shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the rural county. In order to qualify for the credit under this subsection, the county must meet the definition of rural county at the time the person begins to conduct qualifying business in the county.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a rural county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(7) Transfer of ownership does not affect credit eligibility. However, the credit is available to the successor only if the eligibility conditions of this section are met.

(8) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the rural county, how long the person has been located in the county, and taxpayer name and registration number. The report must be filed by January 30th of each year for which credit was claimed during the previous year. Failure to file a report will not result in the loss of eligibility under this section. However, the department, through its research division, shall contact taxpayers who have not filed the report and obtain the data from the taxpayer or assist the taxpayer in the filing of the report, so that the data and information necessary to measure the program's effectiveness is maintained.

(9) As used in this section:

(a) "Information technology help desk services" means the following services performed using electronic and telephonic communication:

(i) Software and hardware maintenance;

(ii) Software and hardware diagnostics and troubleshooting;

(iii) Software and hardware installation;

(iv) Software and hardware repair;

(v) Software and hardware information and training; and

(vi) Software and hardware upgrade.

(b) "Rural county" means the same as in RCW 82.14.370.

(10) This section expires January 1, 2011.

Sec. 3. RCW 82.60.020 and 1999 sp.s. c 9 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Applicant" means a person applying for a tax deferral under this chapter.
- (2) "Department" means the department of revenue.
- (3) "Eligible area" means a ~~((county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th))~~ rural county as defined in RCW 82.14.370.
- (4)(a) "Eligible investment project" means an investment project in an eligible area as defined in subsection (3) of this section.
 - (b) The ~~((lessor/owner))~~ lessor or owner of a qualified building is not eligible for a deferral unless:
 - (i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person~~((s))~~; or ~~((unless))~~
 - (ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee ~~((in the form of reduced rent payments))~~;
 - (B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and
 - (C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.
 - (c) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.
 - (5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.
 - (6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.
 - (7) "Person" has the meaning given in RCW 82.04.030.
 - (8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.
 - (9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.
 - (10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.
 - ~~((10))~~ (11) "Recipient" means a person receiving a tax deferral under this chapter.
 - ~~((11))~~ (12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 4. RCW 82.60.040 and 1999 c 164 s 302 are each amended to read as follows:

- (1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that is located in an eligible area as defined in RCW 82.60.020.
- (2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.
- (3) This section expires July 1, ~~((2004))~~ 2010.

Sec. 5. RCW 82.60.049 and 2000 c 106 s 8 are each amended to read as follows:

- (1) For the purposes of this section:
 - (a) "Eligible area" also means a designated community empowerment zone approved under RCW ~~((43.63A.700))~~ 43.31C.020 or a county containing a community empowerment zone.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

~~((c) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire year.))~~

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment ~~((or))~~ for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

Sec. 6. RCW 82.60.050 and 1994 sp.s. c 1 s 7 are each amended to read as follows:
RCW 82.60.030 and 82.60.040 shall expire July 1, ~~((2004))~~ 2010.

Sec. 7. RCW 82.60.070 and 1999 c 164 s 303 are each amended to read as follows:

(1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter after June 30, 1994, shall ~~((submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable))~~ complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.020(4), the lessee shall agree to complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and the seven succeeding calendar years. The survey shall include the amount of tax deferred, the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with activities at the investment project. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330 and is not disclosable. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(f) The department shall also use the information to study the tax deferral program authorized under this chapter. The department shall report to the legislature by December 1, 2009. The report shall measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company

growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If, on the basis of a (~~report~~) survey under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project shall be immediately due.

(b) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due, twelve and one-half percent of the deferred tax shall be immediately due. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.020(4), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit.

(3) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

(4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2004."

Correct the title.

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris and Santos.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6242 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Establishing a statewide strategy for land acquisitions and disposal. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The legislature finds that the 1999 public and tribal lands inventory provides a base of information to begin the development of a statewide coordinated strategy for acquisition of lands for recreation and habitat preservation and enhancement. However, updated information is needed on the amount of recent acquisitions, how they were funded, how those acquisitions could be compatible with a coordinated strategy, and how they pursue the goals of single agencies.

(b) The legislature further finds that land acquisition decisions have long-term implications, often in perpetuity, and that some acquisitions occur outside the oversight of the legislature.

(c) The legislature intends to establish a statewide strategy for coordination of acquisition, exchange or disposal of state agency lands for recreation and habitat preservation and enhancement, and to clarify authority for an interagency planning and coordination of that strategy.

(2) The interagency committee for outdoor recreation shall submit a report to the appropriate policy and fiscal committees of the legislature and to the governor by June 30, 2005. The report shall include an inventory of recent habitat and recreational land acquisitions and a recommended statewide strategy for coordination of future acquisitions.

(a) The inventory shall include habitat and recreational land acquisitions and disposals since 1980 by state agencies. For the purpose of this inventory, "land acquisition" means fee simple acquisition or less than a fee simple interest if that interest is for more than fifty years. Land acquisitions by state agencies include those funded by state agencies but owned by local governments. The inventory shall:

(i) Include information about land acquisitions and disposals that involved land trading or swapping between public and private entities, and land acquisitions that were gifts;

(ii) Specify principal use of the acquired parcels and other data compatible with the 1999 inventory;
(iii) Specify the agency or local government acquiring or disposing of the property, the costs of the land acquisition or receipts from the disposal, the funding sources, and whether the land acquisition was funded under a legislative appropriation, an unanticipated receipt, and/or exchange of land parcels; and

(iv) Include any additional information local governments may provide to the inventory about habitat and recreational land acquisitions by land trusts, conservancies, port districts, public utility districts, and other parties that result in the property's change to a tax exempt status.

(b) The recommended statewide strategy for coordination of habitat and recreation acquisitions by state agencies, regardless of fund source, should be consistent with the priorities, policies and criteria of chapter 79A.15 RCW and, if not, identify what priorities, policies and goals should apply. The recommended statewide coordinated strategy should:

(i) Ensure that land acquisition and disposal decisions are based on a determination of need for recreational and habitat lands compared to existing public lands serving those purposes in various areas of the state;

(ii) Specify how to provide a central, interagency point of coordination to ensure that land acquisitions by state agencies, including land acquisitions funded through unanticipated receipts, are consistent with statewide priorities, policies and goals;

(iii) Examine alternative ways to compensate local governments by spreading statewide the impact of lost tax revenues from acquisitions of property for habitat and recreation;

(iv) Consider options for a no net gain policy in counties with large portions of existing public habitat and recreational land; and

(v) Consider what policies, priorities, and goals may apply to the statewide coordinated strategy. The report may consider population based goals for recreation needs, changes in use of public lands, provisions for scenic areas and green ways, wildlife corridors, forest buffers, designated critical areas, local, state and federal wildlife protection plans, and multi-use functions of existing publicly owned lands."

Correct the title.

Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Benson; Blake; Bush; Chase; Eickmeyer; Hankins; Hinkle; Kirby; Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; G. Simpson; Voloria and Woods.

Passed to Committee on Rules for second reading.

February 28, 2004

SB 6249 Prime Sponsor, Senator Fraser: Establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson.

Passed to Committee on Rules for second reading.

February 28, 2004

SB 6254 Prime Sponsor, Senator Regala: Providing death benefits for members of the Washington state patrol retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 28, 2004

SSB 6255 Prime Sponsor, Senate Committee on Children & Family Services & Corrections:
Studying criminal background check processes. Reported by Committee on
Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that criminal history record information background checks for employment purposes are rapidly increasing in Washington state. While the demand for criminal history record information background checks is growing, the existing criminal history record information background check data transmission infrastructure and processes are not adequate to keep pace with the growing demand. Furthermore, employers are concerned with the current system's ability to quickly secure results. Without adequate data transmission infrastructure and processes to encourage efficient criminal history record information background checks and to receive results quickly, a public safety risk is created. This is especially true when new or prospective employees will be working with children.

The legislature has learned that some states have recently developed comprehensive criminal history record information background check programs. These programs focus on making criminal history record information background checks easily accessible to employers and prospective employees and have eliminated long response times.

NEW SECTION. Sec. 2. (1) A joint task force on criminal background check processes is established. The joint task force shall consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate; at least one member from each caucus shall be a member of the senate children and family services and corrections committee;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; at least one member from each caucus shall be a member of the house criminal justice and corrections committee;

(c) The chief of the Washington state patrol, or the chief's designee;

(d) The secretary of the department of social and health services, or the secretary's designee;

(e) The state superintendent of public instruction, or the superintendent's designee;

(f) An elected sheriff or police chief, selected by the Washington association of sheriffs and police chiefs; and

(g) The following seven members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) A representative from a nonprofit service organization that serves primarily children under sixteen years of age;

(ii) A health care provider as defined in RCW 7.70.020;

(iii) A representative from a business or organization that serves primarily developmentally disabled persons or vulnerable adults;

(iv) A representative from a local youth athletic association;

(v) A representative from the insurance industry; and

(vi) Two representatives from a local parks and recreation program; one member shall be selected by the association of Washington cities and one member shall be selected by the Washington association of counties.

(2) The task force shall choose two cochairs from among its membership.

(3) The task force shall review and make recommendations to the legislature and the governor regarding criminal background check policy in Washington state. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

(a) What state and federal statutes require regarding criminal background checks, and determine whether any changes should be made;

(b) What criminal offenses are currently reportable through the criminal background check program, and determine whether any changes should be made;

(c) What information is available through the Washington state patrol and the federal bureau of investigation criminal background check systems, and determine whether any changes should be made;

(d) What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers;

(e) What is the feasibility and costs for businesses and organizations to do periodic background checks;

(f) What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, developmentally disabled persons, or vulnerable adults; and

(g) A review of the benefits and obstacles of implementing a criminal history record information background check program created by the national child protection act of 1993. The national child protection act of 1993 increases the availability of criminal history record information background checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its findings and recommendations to the legislature by December 31, 2004.

NEW SECTION. Sec. 3. (1) In consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs shall conduct a study on criminal history record information background check technology and systems. The study shall focus on how, through the use of modern technology, Washington state can reduce delays in the criminal history record information background check processing time and how Washington state can make criminal history record information background checks more accessible and efficient.

(2) The study shall include, but is not limited to:

(a) A review and analysis of the criminal history record information background check technology systems in states that have recently implemented or are soon to implement comprehensive criminal history record information background check programs;

(b) Recommendations on how a comprehensive criminal history record information background check program should be designed in Washington state, and how much a comprehensive program would cost to implement in Washington state;

(c) A review of how a comprehensive criminal history record information background check program could be paid for in Washington state, which includes a determination on whether the program could be funded solely by user fees.

(3) The findings and recommendations from the Washington association of sheriffs and police chiefs shall be presented to the joint task force on criminal background check processes no later than November 30, 2004.

(4) The requirement to perform the study under this section and to make findings and recommendations is subject to availability of funds appropriated for this specific purpose.

NEW SECTION. Sec. 4. This act expires January 31, 2005."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 6259 Prime Sponsor, Senator Schmidt: Extending the restriction on local government taxation of internet services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris and Santos.

Passed to Committee on Rules for second reading.

February 28, 2004

SB 6279 Prime Sponsor, Senator Murray: Providing benefits to certain disabled members of the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6325 Prime Sponsor, Senate Committee on Highways & Transportation: Adjusting provisions of the special license plate law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Clibborn; Cooper; Dickerson; Flannigan; Hatfield; Hudgins; Lovick; Morris; Romero; G. Simpson; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Bailey; Campbell; Hankins; Kristiansen; Mielke; Nixon; Rodne; Schindler; Shabro and Woods.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 6326 Prime Sponsor, Senator Esser: Defining prohibited bus conduct. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6327 Prime Sponsor, Senate Committee on Highways & Transportation: Authorizing a fee for the limited purpose of reviewing driving records of existing policyholders for changes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

February 28, 2004

SB 6337 Prime Sponsor, Senator Regala: Revising the fee for birth certificates suitable for display. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 28, 2004

SSB 6341 Prime Sponsor, Senate Committee on Commerce & Trade: Concerning the licensing of cosmetologists and others under chapter 18.16 RCW. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Commerce & Labor.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.16.060 and 2002 c 111 s 5 and 2002 c 86 s 214 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter shall be considered to be "in good standing" except when: (a) The license has expired or has been canceled and has not been renewed in accordance with RCW 18.16.110; (b) the license has been denied, revoked, or suspended under RCW 18.16.210, 18.16.230, or 18.16.240, and has not been reinstated; (c) the license is held by a person who has not fully complied with an order of the director issued under RCW 18.16.210 requiring the licensee to pay restitution or a fine, or to acquire additional training; or (d) the license has been placed on inactive status at the request of the licensee, and has not been reinstated in accordance with RCW 18.16.110(3).

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

(a) Except as provided in subsection ~~((2))~~ (3) of this section, engages in the commercial practice of cosmetology, barbering, esthetics, or manicuring~~((, or instructing))~~;

(b) Instructs in a school;

(c) Operates a school; or

(d) Operates a salon/shop, personal services, or mobile unit.

~~((2))~~ (3) A person who receives a license as an instructor may engage in the commercial practice for which he or she held a license when applying for the instructor license without also renewing the previously held license. However, a person licensed as an instructor whose license to engage in a commercial practice is not or at any time was not renewed ~~((cannot))~~ may not engage in the commercial practice previously permitted under that license unless that person renews the previously held license.

NEW SECTION. **Sec. 2.** A new section is added to chapter 18.16 RCW to read as follows:

(1) If the holder of an individual license in good standing submits a written and notarized request that the licensee's cosmetology, barber, manicurist, esthetician, or instructor license be placed on inactive status, together with a fee equivalent to that established by rule for a duplicate license, the department shall place the license on inactive status until the expiration date of the license. If the date of the request is no more than six months before the expiration date of the license, a request for a two-year extension of the inactive status, as provided under subsection (2) of this section, may be submitted at the same time as the request under this subsection.

(2) If the holder of a license placed on inactive status under this section submits, by the expiration date of the license, a written and notarized request to extend that status for an additional two years, the department shall, without additional fee, extend the expiration date of: (a) The licensee's individual license; and (b) the inactive status for two years from the expiration date of the license.

(3) A license placed on inactive status under this section may not be extended more frequently than once in any twenty-four month period or for more than six consecutive years.

(4) If, by the expiration date of a license placed on inactive status under this section, a licensee is unable, or fails, to request that the status be extended and the license is not renewed, the license shall be canceled.

Sec. 3. RCW 18.16.110 and 2002 c 111 s 8 are each amended to read as follows:

(1) The director shall issue the appropriate license to any applicant who meets the requirements as outlined in this chapter.

(2) Except as provided in RCW 18.16.260:

(a) Failure to renew a license ((before)) by its expiration date subjects the holder to a penalty fee and payment of each year's renewal fee, at the current rate((-)); and

(b) A person whose license has not been renewed within one year after its expiration date shall have the license canceled and shall be required to submit an application, pay the license fee, meet current licensing requirements, and pass any applicable examination or examinations, in addition to the other requirements of this chapter, before the license may be reinstated.

(3) In lieu of the requirements of subsection (2)(a) of this section, a license placed on inactive status under section 2 of this act may be reinstated to good standing upon receipt by the department of: (a) Payment of a renewal fee, without penalty, for a two-year license commencing on the date the license is reinstated; and (b) if the license was on inactive status during any time that the board finds that a health or other requirement applicable to the license has changed, evidence showing that the holder of the license has successfully completed, from a school licensed under RCW 18.16.140, at least the number of curriculum clock hours of instruction that the board deems necessary for a licensee to be brought current with respect to such changes, but in no case may the number of hours required under this subsection exceed four hours per year that the license was on inactive status.

(4) Nothing in this section authorizes a person whose license has expired or is on inactive status to engage in a practice prohibited under RCW 18.16.060 until the license is renewed or reinstated.

(5) Upon request and payment of an additional fee to be established by rule by the director, the director shall issue a duplicate license to an applicant.

Sec. 4. RCW 18.16.200 and 2002 c 111 s 12 and 2002 c 86 s 217 are each reenacted and amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter ~~((may be subject to disciplinary action by the director))~~ if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in ~~((the commercial))~~ a practice ~~((of cosmetology, barbering, manicuring, esthetics, or instructed in or operated a school))~~ prohibited under RCW 18.16.060 without first obtaining, and maintaining in good standing, the license required by this chapter;

~~((2))~~ (3) Has engaged in the commercial practice of cosmetology, barbering, manicuring, or esthetics in a school;

~~((3))~~ (4) Has not provided a safe, sanitary, and good moral environment for students ~~((and))~~ in a school or the public;

(5) Has failed to display licenses required in this chapter; or

~~((4))~~ (6) Has violated any provision of this chapter or any rule adopted under it.

Sec. 5. RCW 18.16.260 and 2002 c 111 s 16 are each amended to read as follows:

(1)(a) Prior to July 1, ~~((2003))~~ 2005, (i) a cosmetology licensee~~((s))~~ who held a license in good standing between June 30, 1999, and June 30, 2003, may request a renewal of the license or an additional license in barbering, manicuring, and/or esthetics; and (ii) a licensee who held a barber, manicurist, or esthetics license between June 30, 1999, and June 30, 2003, may request a renewal of such licenses held during that period.

(b) A license renewal fee, including, if applicable, a renewal fee, at the current rate, for each year the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request, must be paid prior to issuance of each type of license requested. After June 30, ~~((2003))~~ 2005, any cosmetology licensee wishing to renew an expired license or obtain additional licenses must meet the applicable renewal, training, and examination requirements of this chapter.

(2) ~~((Prior to July 1, 2003, students enrolled in a licensed school in an approved cosmetology curriculum may apply for the examination in cosmetology, manicuring, and esthetics. An examination fee must be paid for each examination selected. After June 30, 2003, students enrolled in a licensed school in an approved cosmetology curriculum may not apply for examination in manicuring and esthetics without meeting the training requirements of this chapter.))~~ The director may, as provided in RCW 43.24.140, modify the duration of any additional license granted under this section to make all licenses issued to a person expire on the same date.

NEW SECTION. Sec. 6. The department of licensing shall:

(1) Within ninety days after the effective date of this section, notify each person who held a cosmetology, barber, manicurist, or esthetician license between June 30, 1999, and June 30, 2003, of the provisions of this act by mailing a notice as specified in this section to the licensee's last known mailing address;

(2) Include in the notice required by this section:

(a) A summary of this act, including a summary of the requirements for (i) renewing and obtaining additional licenses; and (ii) requesting placement on inactive status;

(b) A telephone number within the department for obtaining further information;

(c) The department's internet address; and

(d) On the outside of the notice, a facsimile of the state seal, the department's return address, and the words "Notice of Legislative Changes -- Cosmetology, Barbering, Manicuring, and Esthetics Licensing Information Enclosed" in conspicuous bold face type.

Sec. 7. RCW 18.16.030 and 2002 c 111 s 3 and 2002 c 86 s 213 are each reenacted to read as follows:

In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director shall have the following powers and duties:

- (1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;
- (2) To adopt rules necessary to implement this chapter;
- (3) To prepare and administer or approve the preparation and administration of licensing examinations;
- (4) To establish minimum safety and sanitation standards for schools, instructors, cosmetologists, barbers, manicurists, estheticians, salons/shops, personal services, and mobile units;
- (5) To establish curricula for the training of students under this chapter;
- (6) To maintain the official department record of applicants and licensees;
- (7) To establish by rule the procedures for an appeal of an examination failure;
- (8) To set license expiration dates and renewal periods for all licenses consistent with this chapter;

~~((and))~~

(9) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing or on inactive status in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and

(10) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter.

Sec. 8. RCW 18.16.160 and 1991 c 324 s 13 are each amended to read as follows:

In addition to any other legal remedy, any student or instructor-trainee having a claim against a school may bring suit upon the approved security required in RCW 18.16.140(1)~~((e))~~ (d) in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the approved security shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the approved security:

PROVIDED, That no action shall be maintained upon the approved security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Service of process in an action upon the approved security shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the approved security and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director's records and to the surety within forty-eight hours after it has been received. The approved security shall not be liable in an aggregate amount in excess of the amount named in the approved security. In any action on an approved security, the prevailing party is entitled to reasonable attorney's fees and costs.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon approved security.

NEW SECTION. **Sec. 9.** RCW 18.16.165 (Licenses issued, students enrolled before January 1, 1992--Curricula updates) and 1991 c 324 s 8 are each repealed.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

E2SSB 6358 Prime Sponsor, Senate Committee on Ways & Means: Improving collaboration regarding offenders with treatment orders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature makes the following findings:

- (1) In some cases, there is confusion over whether the cause of a person's mental disorder can make that person ineligible for involuntary treatment;
- (2) Some offenders under supervision in the community are concurrently subject to court-ordered mental health or chemical dependency treatment;
- (3) Some offenders under supervision in the community are subject to department of corrections-ordered mental health or substance abuse treatment;
- (4) The department of corrections frequently does not know that an offender is subject to court-ordered treatment;
- (5) Treatment providers frequently do not know that a client is subject to department of corrections supervision;
- (6) There is confusion about the extent to which information about an offender subject to both treatment orders and supervision by the department of corrections may be shared;
- (7) When information is not shared, the lack of information creates gaps in enforcement both of the court order and the offender's conditions of supervision; and
- (8) When there are gaps in enforcement, there is an increased risk to public safety.

Consequently, the legislature intends to clarify the standards for commitment and improve the coordination between the department of corrections and mental health and chemical dependency treatment providers to enhance public safety by improving compliance with treatment and supervision orders and by providing both treatment providers and the department of corrections with more current, complete information about the offender's status.

Sec. 2. RCW 71.05.040 and 1997 c 112 s 4 are each amended to read as follows:

Persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or suffering from dementia shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes a likelihood of serious harm: Provided however, That persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

NEW SECTION. Sec. 3. A new section is added to chapter 10.77 RCW to read as follows:

When a county designated mental health professional or a professional person has determined that a person has a mental disorder, and is otherwise committable, the cause of the person's mental disorder shall not make the person ineligible for commitment under chapter 71.05 RCW.

Sec. 4. RCW 71.05.445 and 2002 c 39 s 2 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated (~~(person))~~ offender or offender under supervision in the community,

planning for and provision of supervision of ~~((a person))~~ an offender, or assessment of ~~((a person's))~~ an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under section 11, 12, or 13 of this act.

(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health services provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act and the offender has provided the mental health services provider with a copy of the order granting relief from disclosure pursuant to section 11, 12, or 13 of this act, the mental health services provider is not required to notify the department of corrections that the mental health services provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(4) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

~~((4))~~ (5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

~~((5))~~ (6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

~~((6))~~ (7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.670 and 71.05.440.

~~((7))~~ (8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

~~((8))~~ (9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(10) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 5. RCW 72.09.585 and 2000 c 75 s 4 are each amended to read as follows:

(1) When the department is determining an offender's risk management level, the department shall inquire of the offender and shall be told whether the offender is subject to court-ordered treatment for mental health services or chemical dependency services. The department shall request and the offender shall provide an authorization to release information form that meets applicable state and federal requirements and shall provide the offender with written notice that the department will request the offender's mental health and substance abuse treatment information. An offender's failure to inform the department of court-ordered treatment is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

(2) When an offender discloses that he or she is subject to court-ordered mental health services or chemical dependency treatment, the department shall provide the mental health services provider or chemical dependency treatment provider with a written request for information and any necessary authorization to release information forms. The written request shall comply with rules adopted by the department of social and health services or protocols developed jointly by the department and the department of social and health services. A single request shall be valid for the duration of the offender's supervision in the community. Disclosures of information related to mental health services made pursuant to a department request shall not require consent of the offender.

(3) The information received by the department under RCW 71.05.445 or 71.34.225 may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections ~~((3))~~ (5) and ~~((4))~~ (6) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or its employees provided that the decision was reached in good faith and without gross negligence.

~~((2))~~ (4) The information received by the department under RCW 71.05.445 or 71.34.225 may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.500 or this section.

~~((3))~~ (5) The information received by the department under RCW 71.05.445 or 71.34.225 may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

~~((4))~~ (6) The information received by the department under RCW 71.05.445 or 71.34.225 may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

Sec. 6. RCW 71.05.390 and 2000 c 94 s 9, 2000 c 75 s 6, and 2000 c 74 s 7 are each reenacted and amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;

- (c) Who is a county designated mental health professional;
 - (d) Who is providing services under chapter 71.24 RCW;
 - (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
 - (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.
- (2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.
- (3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.
- (4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.
- (5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

- (6) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.
- (7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:
- (a) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request; (~~and~~)
 - (b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; (~~and~~)
 - (c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;
 - (d) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and
 - (e) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.
- (8) To the attorney of the detained person.
- (9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies(~~(, upon request,)~~) all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

NEW SECTION. Sec. 7. A new section is added to chapter 9.94A RCW to read as follows:

An offender's failure to inform the department of court-ordered treatment upon request by the department is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

Sec. 8. RCW 71.34.225 and 2002 c 39 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.05 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

(5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

~~((5))~~ (6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in RCW 71.34.200, except as provided in RCW 72.09.585.

~~((6))~~ (7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

~~((7))~~ (8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

~~((8))~~ (9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 9.94A RCW to read as follows:

When an offender receiving court-ordered mental health or chemical dependency treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health or chemical dependency treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act, the offender must provide the mental health or chemical dependency treatment provider with a copy of the order granting the relief.

NEW SECTION. Sec. 10. A new section is added to chapter 9.95 RCW to read as follows:

When an offender receiving court-ordered mental health or chemical dependency treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health or chemical dependency treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to section 11, 12, or 13 of this act, the offender must provide the mental health or chemical dependency treatment provider with a copy of the order granting the relief.

NEW SECTION. Sec. 11. A new section is added to chapter 9.94A RCW to read as follows:

When any person is convicted in a superior court, the judgment and sentence shall include a statement that if the offender is or becomes subject to court-ordered mental health or chemical dependency treatment, the offender must notify the department and the offender's treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision. Upon a petition by an offender who does not have a history of one or more violent acts, as defined in RCW 71.05.020, the court may, for good cause, find that public safety is not enhanced by the sharing of this offender's information.

NEW SECTION. Sec. 12. A new section is added to chapter 71.05 RCW to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's mental health treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause, find that public safety would not be enhanced by the sharing of this person's information.

NEW SECTION. Sec. 13. A new section is added to chapter 70.96A RCW to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's chemical dependency treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision. Upon a petition by a person who does not have a history of one or more violent acts, as defined in RCW 71.05.020, the court may, for good cause, find that public safety would not be enhanced by the sharing of this person's information.

NEW SECTION. Sec. 14. A new section is added to chapter 70.48 RCW to read as follows:

(1) A person having charge of a jail, or that person's designee, shall notify the county designated mental health professional or the designated chemical dependency specialist seventy-two hours prior to the release to the community of an offender or defendant who was subject to a discharge review under section 18 of this act. If the person having charge of the jail does not receive seventy-two hours notice of the release, the notification to the county designated mental health professional or the designated chemical dependency specialist shall be made as soon as reasonably possible, but not later than the actual release to the community of the defendant or offender.

(2) When a person having charge of a jail, or that person's designee, releases an offender or defendant who was the subject of a discharge review under section 18 of this act, the person having charge of a jail, or that person's designee, shall notify the state hospital from which the offender or defendant was released.

NEW SECTION. Sec. 15. A new section is added to chapter 70.96A RCW to read as follows:

(1) When a designated chemical dependency specialist is notified by a jail that a defendant or offender who was subject to a discharge review under section 18 of this act is to be released to the community, the designated chemical dependency specialist shall evaluate the person within seventy-two hours of release, if the person's treatment information indicates that he or she may need chemical dependency treatment.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated chemical dependency specialist of the violation and request an evaluation for purposes of revocation of the conditional release.

(3) When a designated chemical dependency specialist becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the designated chemical dependency specialist detains a person under this chapter, the designated chemical dependency specialist shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated chemical dependency specialist to provide offender supervision.

NEW SECTION. Sec. 16. A new section is added to chapter 71.05 RCW to read as follows:

(1) When a county designated mental health professional is notified by a jail that a defendant or offender who was subject to a discharge review under section 18 of this act is to be released to the community, the county designated mental health professional shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the county designated mental health professional of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a county designated mental health professional becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision, or the county designated mental health professional detains a person under this chapter, the county designated mental health professional shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or county designated mental health professional to provide offender supervision.

NEW SECTION. Sec. 17. A new section is added to chapter 72.09 RCW to read as follows:

(1) When an offender is under court-ordered mental health or chemical dependency treatment in the community and the supervision of the department of corrections, and the community corrections officer becomes aware that the person is in violation of the terms of the court's treatment order, the community corrections officer shall notify the county designated mental health professional or the designated chemical dependency specialist, as appropriate, of the violation and request an evaluation for purposes of revocation of the less restrictive alternative or conditional release.

(2) When a county designated mental health professional or the designated chemical dependency specialist notifies the department that an offender in a state correctional facility is the subject of a petition for involuntary treatment under chapter 71.05 or 70.96A RCW, the department shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department classified the offender as a high risk or high needs offender.

NEW SECTION. Sec. 18. A new section is added to chapter 71.05 RCW to read as follows:

(1) When a state hospital admits a person for evaluation or treatment under this chapter who has a history of one or more violent acts and:

(a) Has been transferred from a correctional facility; or

(b) Is or has been under the authority of the department of corrections or the indeterminate sentence review board,

the state hospital shall consult with the appropriate corrections and chemical dependency personnel and the appropriate forensic staff at the state hospital to conduct a discharge review to determine whether the person presents a likelihood of serious harm and whether the person is appropriate for release to a less restrictive alternative.

(2) When a state hospital returns a person who was reviewed under subsection (1) of this section to a correctional facility, the hospital shall notify the correctional facility that the person was subject to a discharge review pursuant to this section.

Sec. 19. RCW 70.02.030 and 1994 sp.s. c 9 s 741 are each amended to read as follows:

(1) A patient may authorize a health care provider to disclose the patient's health care information. A health care provider shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider denies the patient access to health care information under RCW 70.02.090.

(2) A health care provider may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider shall:

(a) Be in writing, dated, and signed by the patient;

(b) Identify the nature of the information to be disclosed;

(c) Identify the name, address, and institutional affiliation of the person to whom the information is to be disclosed;

(d) Except for third-party payors, identify the provider who is to make the disclosure; and

(e) Identify the patient.

(4) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(5) A health care provider shall retain each authorization or revocation in conjunction with any health care information from which disclosures are made. This requirement shall not apply to disclosures to third-party payors.

(6) Except for authorizations given pursuant to an agreement with a treatment or monitoring program or disciplinary authority under chapter 18.71 or 18.130 RCW, when the patient is under the supervision of the department of corrections, or to provide information to third-party payors, an authorization may not permit the release of health care information relating to future health care that the patient receives more than ninety days after the authorization was signed. Patients shall be advised of the period of validity of their authorization on the disclosure authorization form. If the authorization does not contain an expiration date and the patient is not under the supervision of the department of corrections, it expires ninety days after it is signed.

(7) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

NEW SECTION. Sec. 20. (1) The department of social and health services and the department of corrections shall develop a training plan for department employees, contractors, and necessary mental health service providers and chemical dependency treatment providers covering the information sharing processes for offenders with treatment orders and terms of supervision in the community.

(2) The department of corrections and the department of social and health services, in consultation with prosecuting attorneys, the Washington association of sheriffs and police chiefs, regional support networks, county designated chemical dependency specialists, and other experts that the departments deem appropriate, shall develop a model for multidisciplinary case management and release planning of offenders classified as having high resource needs in multiple service areas.

NEW SECTION. Sec. 21. A new section is added to chapter 4.24 RCW to read as follows:

Information shared and actions taken without gross negligence and in good faith compliance with RCW 71.05.445, 72.09.585, or sections 15 through 17 of this act are not a basis for any private civil cause of action.

NEW SECTION. Sec. 22. The department of social and health services, in consultation with the appropriate committees of the legislature, shall assess the current and needed residential capacity for crisis response and ongoing treatment services for persons in need of treatment for mental disorders and chemical dependency. In addition to considering the demand for persons with either a mental disorder or chemical dependency, the assessment shall consider the demand for services for mentally ill offenders, and persons with co-occurring disorders, mental disorders caused by traumatic brain injury or dementia, and drug induced psychosis. An initial report assessing the types, number, and location of needed mental health crisis response and emergency treatment beds, both in community hospital-based and in other settings, shall be submitted to appropriate committees of the legislature by November 1, 2004. A final report assessing the types, number, and location of beds needed for mental health and chemical dependency emergency, transitional, and ongoing treatment shall be submitted to appropriate committees of the legislature by December 1, 2005. Both reports shall set forth the projected costs and benefits of alternative strategies and timelines for addressing identified needs.

Legislative staff shall review and analyze the use of mental health resources in other state programs for providing community based and hospital based care for persons with mental illness, including information available through the council of state governments and the national conference of state legislatures.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act takes effect July 1, 2004, except for sections 6, 20, and 22 of this act, which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 71.05.040, 71.05.445, 72.09.585, 71.34.225, and 70.02.030; reenacting and amending RCW 71.05.390; adding a new section to chapter 10.77 RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 4.24 RCW; creating new sections; providing an effective date; and declaring an emergency."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 6403 Prime Sponsor, Senator Hewitt: Authorizing projects recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Benson; Blake; Bush; Chase; Eickmeyer; Hankins; Hinkle; Kirby; Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; Orcutt; Schoesler; G. Simpson; Voloria and Woods.

Passed to Committee on Rules for second reading.

February 28, 2004

SSB 6419 Prime Sponsor, Senate Committee on Government Operations & Elections: Implementing the Help America Vote Act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on State Government.

Strike everything after the enacting clause and insert the following:

**"PART I
STATEWIDE VOTER REGISTRATION DATA BASE**

NEW SECTION. Sec. 101. (1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.

(3) The computerized list must contain the name and registration information of every legally registered voter in the state.

(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, and the department of health.

(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.

(7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.

(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.

(9) The computerized list serves as the official voter registration list for the conduct of all elections.

(10) The secretary of state has data authority on all voter registration data.

(11) The voter registration data base must be designed to accomplish at a minimum, the following:

(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections data base to aid in the cancellation of voter registration of felons;

(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;

(g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and

(h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.

Sec. 102. RCW 29A.08.010 and 2003 c 111 s 201 are each amended to read as follows:

As used in this chapter: "Information required for voter registration" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes the applicant's name, complete residence address, date of birth, ~~(and)~~ Washington state driver's license number, Washington state identification card, or the last four digits of the applicant's social security number, a signature attesting to the truth of the information provided on the application, and a check or indication in the box confirming the individual is a United States citizen. If the individual does not have a driver's license or social security number the registrant must be issued a unique voter registration number and placed on the voter registration rolls. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote. Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 103. RCW 29A.08.020 and 2003 c 111 s 204 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "By mail" means delivery of a completed original voter registration application by mail ~~((or by personal delivery))~~ to the office of the secretary of state.

(2) For voter registration applicants, "date of mailing" means the date of the postal cancellation on the voter registration application. This date will also be used as the date of application for the purpose of meeting the registration cutoff deadline. If the postal cancellation date is illegible then the date of receipt by the elections official is considered the date of application. If an application is received by the elections official by the close of business on the fifth day after the cutoff date for voter registration and the postal cancellation date is illegible, the application will be considered to have arrived by the cutoff date for voter registration.

Sec. 104. RCW 29A.08.030 and 2003 c 111 s 203 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed so that the voter may update his or her current residence address.

Sec. 105. RCW 29A.08.105 and 2003 c 111 s 205 are each amended to read as follows:

(1) In compliance with the Help America Vote Act (P.L. 107-252), the centralized statewide voter registration list maintained by the secretary of state is the official list of eligible voters for all elections.

(2) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. The auditor may appoint registration assistants to assist in registering persons residing in the county. Each registration assistant holds office at the pleasure of the county auditor and must be a registered voter.

~~((2) The county auditor shall be the custodian of the official registration records of the county.))~~

(3) The county auditor shall ensure that mail-in voter registration application forms are readily available to the public at locations to include but not limited to the elections office, and all common schools, fire stations, and public libraries.

NEW SECTION. Sec. 106. (1) The secretary of state must review the information provided by each voter registration applicant to ensure that either the driver's license number or the last four digits of the social security number match the information maintained by the Washington department of licensing or the social security administration. If a match cannot be made the secretary of state must correspond with the applicant to resolve the discrepancy.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application, within thirty days the secretary of state shall forward the application to the appropriate county auditor for document storage.

(3) Only after the secretary of state has confirmed that an applicant's driver's license number or the last four digits of the applicant's social security number match existing records with the Washington department of licensing or the social security administration or determined that the applicant does not have either a driver's license number or social security number may the applicant be placed on the official list of registered voters.

Sec. 107. RCW 29A.08.110 and 2003 c 111 s 206 are each amended to read as follows:

(1) On receipt of an application for voter registration (~~(under this chapter)~~), the county auditor shall review the application to determine whether the information supplied is complete. An application (~~(that)~~) is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided ((on the application is complete)) and an indication the license information or social security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant or is returned as undeliverable the auditor shall not place the name of the applicant on the county voter list. If the applicant provides the required verified information, the applicant shall be registered to vote as of the date of mailing of the original voter registration application.

(2) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing. If the new

information indicates that the voter remains in the same county of residence or if the applicant is a new voter the application must be processed by the county of residence.

(3) If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the date of mailing. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. ~~((If the applicant has indicated that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county-))~~ If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.

~~((3))~~ (4) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

Sec. 108. RCW 29A.08.115 and 2003 c 111 s 207 are each amended to read as follows:

~~((Every registration assistant shall keep registration supplies at his or her usual place of residence or usual place of business.))~~ A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a designee at least once weekly.

Sec. 109. RCW 29A.08.120 and 2003 c 111 s 208 are each amended to read as follows:

Any elector of this state may register to vote by mail under this ~~((chapter))~~ title.

Sec. 110. RCW 29A.08.125 and 2003 c 111 s 209 are each amended to read as follows:

Each county auditor shall maintain a computer file containing ~~((the records))~~ a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county. ~~((The auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW.))~~ The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain ~~((at least the last five))~~ all such consecutive dates. ~~((If the voter has not voted at least five times since establishing his or her current registration record, only the available dates will be included.))~~

Sec. 111. RCW 29A.08.135 and 2003 c 111 s 211 are each amended to read as follows:

The county auditor shall acknowledge each new voter registration or transfer by providing or sending the voter a card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state. When a person who has previously registered to vote in ~~((a jurisdiction))~~ another state applies for voter registration ~~((in a new jurisdiction))~~, the person shall provide on the registration form, all information needed to cancel any previous registration. ~~((The county auditor shall forward any information pertaining to the voter's prior voter registration to the county where the voter was previously registered, so that registration may be canceled. If the prior voter registration is in another state, the))~~ Notification must be made to the state elections office of ((that)) the applicant's previous state of registration. A county auditor receiving official information that a voter has registered to vote in another ~~((jurisdiction))~~ state shall immediately cancel that voter's registration on the official state voter registration list.

Sec. 112. RCW 29A.08.140 and 2003 c 111 s 212 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.

The county auditor shall give notice of the closing of the precinct files for original registration and transfer and notice of the special registration and voting procedure provided by RCW 29A.08.145 by one publication in a newspaper of general circulation in the county at least five days before the closing of the precinct files.

No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election and appears on the

official statewide voter registration list. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under RCW 29A.08.145.

Sec. 113. RCW 29A.08.145 and 2003 c 111 s 213 are each amended to read as follows:

This section establishes a special procedure which an elector may use to register to vote or transfer a voter registration by changing his or her address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the ~~((county))~~ state may register to vote or change his or her registration address in person in the office of the county auditor or at a voter registration location specifically designated for this purpose by the county auditor of the county in which the applicant resides, and apply for an absentee ballot for that primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered or transferred voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

Sec. 114. RCW 29A.08.155 and 2003 c 111 s 215 are each amended to read as follows:

To compensate counties with fewer than ten thousand registered voters at the time of the most recent state general election for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems, the secretary of state shall, in June of each year, pay such counties an amount equal to ~~((thirty cents))~~ one dollar for each registered voter in the county at the time of the most recent state general election, as long as funds provided for elections by the Help America Vote Act of 2002 (P.L. 107-252) are available.

Sec. 115. RCW 29A.08.220 and 2003 c 111 s 217 are each amended to read as follows:

(1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than his or her signature no more than one time. These applications shall also contain information for the voter to transfer his or her registration.

Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

~~((2) (The secretary of state shall adopt by rule a uniform data format for transferring voter registration records on machine readable media-~~

~~((3))~~) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.

~~((4) The secretary of state shall produce and distribute any instructional material and other supplies needed to implement RCW 29A.08.340 and 46.20.155-~~

~~((5) Any notice or statement that must be provided under the National Voter Registration Act of 1993 (P.L. 103-31) to prospective registrants concerning registering to vote in federal elections shall also be provided to prospective registrants concerning registering to vote under this title in state and local elections as well as federal elections-))~~

Sec. 116. RCW 29A.08.240 and 2003 c 111 s 219 are each amended to read as follows:

(1) Until January 1, 2006, at the time of registering, a voter shall sign his or her name upon a signature card to be transmitted to the secretary of state. The voter shall also provide his or her first name followed by the last name or names and the name of the county in which he or she is registered. Once each week the county auditor shall transmit all such cards to the secretary of state. The secretary of state may exempt a county auditor who is providing electronic voter registration and electronic voter signature information to the secretary of state from the requirements of this section.

(2) This section expires January 1, 2006.

Sec. 117. RCW 29A.08.250 and 2003 c 111 s 220 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. All voter registration forms must include clear and conspicuous language, designed to draw an applicant's attention, stating that the applicant must be a United States citizen in order to register to vote. Voter registration application forms must also contain a space for the applicant to provide his or her driver's license number or the last four digits of his or her social security number as well as check boxes intended to allow the voter to indicate age and United States citizenship eligibility under the Help America Vote Act of 2002 (P.L. 107-252).

Sec. 118. RCW 29A.08.260 and 2003 c 111 s 221 are each amended to read as follows:

The county auditor shall distribute forms by which a person may register to vote by mail and ~~((cancel))~~ transfer any previous registration in this state. The county auditor shall keep a supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

Sec. 119. RCW 29A.08.320 and 2003 c 111 s 223 are each amended to read as follows:

(1) A person may register to vote or transfer a voter registration when he or she applies for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW ~~((29.07.420))~~ 29A.08.310.

(2) A prospective applicant shall initially be offered a form ~~((adopted))~~ approved by the secretary of state ~~((that is))~~ designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to indicate that he or she declines to register.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

Sec. 120. RCW 29A.08.350 and 2003 c 111 s 226 are each amended to read as follows:

(1) The secretary of state shall provide for the voter registration forms submitted under RCW 29A.08.340 to be collected from each driver's licensing facility within five days of their completion.

(2) The department of licensing shall produce and transmit to the secretary of state a machine-readable file containing the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility during each period for which forms are transmitted under subsection (1) of this section: The name, address, date of birth, gender of the applicant, the driver's license number, the date on which the application for voter registration or transfer was submitted, and the location of the office at which the application was submitted.

(3) The voter registration forms from the driver's licensing facilities must be forwarded to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were to be collected.

(4) For a voter registration application where the address for voting purposes is different from the address in the machine-readable file received from the department of licensing, the secretary of state shall amend the record of that application in the machine-readable file to reflect the county in which the applicant has registered to vote.

(5) The secretary of state shall sort the records in the machine-readable file according to the county in which the applicant registered to vote and produce a file of voter registration transactions for each county. The records of each county may be transmitted on or through whatever medium the county auditor determines will best facilitate the incorporation of these records into the existing voter registration files of that county.

(6) The secretary of state shall produce a list of voter registration transactions for each county and transmit a copy of this list to that county with each file of voter registration transactions no later than ten days after the date on which that information was to be transmitted under subsection (1) of this section.

~~((7)) If a registrant has indicated on the voter registration application form that he or she is registered to vote in another county in Washington but has also provided an address within the auditor's county that is for voter registration purposes, the auditor shall send, on behalf of the registrant, a registration cancellation notice to the auditor of that other county and the auditor receiving the notice shall cancel the registrant's voter registration in that other county. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.))~~

Sec. 121. RCW 29A.08.360 and 2003 c 111 s 227 are each amended to read as follows:

(1) The department of licensing shall provide information on all persons changing their address on change of address forms submitted to the department unless the voter has indicated that the address change is not for voting purposes. This information will be transmitted to the secretary of state each week in a machine-readable file containing the following information on persons changing their address: The name, address, date of birth, gender of the applicant, the applicant's driver's license number, the applicant's former address, the county code for the applicant's former address, and the date that the request for address change was received.

(2) The secretary of state shall forward this information to the appropriate county each week. When the information indicates that the voter has moved (~~((within the county))~~), the county auditor shall use the change of address information to transfer the voter's registration and send the voter an acknowledgement notice of the transfer. (~~((If the information indicates that the new address is outside the voter's original county, the county auditor shall send the voter a registration by mail form at the voter's new address and advise the voter of the need to reregister in the new county. The auditor shall then place the voter on inactive status.))~~)

Sec. 122. RCW 29A.08.420 and 2003 c 111 s 229 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county (~~((shall be required to register anew. The voter shall sign an authorization to cancel his or her current registration. An authorization to cancel a voter's registration must be forwarded promptly to the county auditor of the county in which the voter was previously registered))~~) must do so in writing using a prescribed voter registration form. The county auditor of the voter's new county ((where the previous registration was made shall cancel the registration of the voter if it appears that the signatures in the registration record and on the cancellation authorization form were made by the same person)) shall transfer the voter's registration from the county of the previous registration.

Sec. 123. RCW 29A.08.430 and 2003 c 111 s 230 are each amended to read as follows:

(1) A person who is registered to vote in this state may transfer his or her voter registration on the day of a special or general election or primary under the following procedures:

(a) The voter may complete, at the polling place, a voter registration (~~((transfer))~~) form designed by the secretary of state and supplied by the county auditor; or

(b) For a change within the county, the voter may write in his or her new residential address in the precinct list of registered voters.

The county auditor shall determine which of these two procedures are to be used in the county or may determine that both procedures are to be available to voters for use in the county.

(2) A voter who transfers his or her registration in the manner authorized by this section shall vote in the precinct in which he or she was previously registered.

(3) The auditor shall, within (~~((ninety))~~) sixty days, mail to each voter who has transferred a registration under this section (~~((a))~~), an acknowledgement notice ((ef)) detailing his or her current precinct and polling place.

Sec. 124. RCW 29A.08.510 and 2003 c 111 s 232 are each amended to read as follows:

In addition to case-by-case maintenance under RCW 29A.08.620 and 29A.08.630 and the general program of maintenance of voter registration lists under RCW 29A.08.605, deceased voters will be canceled from voter registration lists as follows:

(1) (~~((Every month))~~) Periodically, the registrar of vital statistics of the state shall prepare a (~~((separate))~~) list of persons who resided in each county, for whom a death certificate was transmitted to the registrar and was not included on a previous list, and shall supply the (~~((appropriate))~~) list to (~~((each county auditor))~~) the secretary of state.

(~~((A county auditor))~~) The secretary of state shall compare this list with the registration records and cancel the registrations of deceased voters within at least forty-five days before the next primary or election ((held in the county after the auditor receives the list)).

(2) In addition, (~~((the))~~) each county auditor may also use newspaper obituary articles as a source of information in order to cancel a voter's registration from the official state voter registration list. The auditor must verify the identity of the voter by matching the voter's date of birth or an address. The auditor shall record the date and source of the obituary in the cancellation records.

(3) In addition, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with the county auditor or the secretary of state. Upon the receipt of such signed statement, the county auditor or the secretary of state shall cancel the registration records concerned ((and so notify the secretary of state)) from the official state voter registration list.

NEW SECTION. Sec. 125. Upon receiving official notice that a court has imposed a guardianship for an incapacitated person and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, under chapter 11.88 RCW, if the incapacitated person is a registered voter in the county, the county auditor shall cancel the incapacitated person's voter registration.

Sec. 126. RCW 29A.08.520 and 2003 c 111 s 233 are each amended to read as follows:

Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections shall arrange

for a periodic comparison of a list of known felons with the statewide voter registration list. If a person is found on the department of corrections felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and cancel the voter registration from the official state voter registration list. The canceling authority shall send notice of the proposed cancellation to the person at his or her last known voter registration address.

Sec. 127. RCW 29A.08.540 and 2003 c 111 s 235 are each amended to read as follows:

~~((Every county auditor shall carefully preserve in a separate file or list the))~~ Registration records of persons whose voter registrations have been canceled as authorized under this title~~((The files or lists shall be kept))~~ must be preserved in the manner prescribed by rule by the secretary of state. Information from such canceled registration records is available for public inspection and copying to the same extent established by RCW 29A.08.710 for other voter registration information.

~~((The county auditor may destroy the voter registration information and records of any person whose voter registration has been canceled for a period of two years or more.))~~

Sec. 128. RCW 29A.08.605 and 2003 c 111 s 236 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 and the canceling of registrations under RCW 29A.08.510, the secretary of state and the county auditor shall cooperatively establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. ~~((The county may fulfill its obligations under this section))~~ This obligation may be fulfilled in one of the following ways:

(1) The ~~((county auditor))~~ secretary of state may enter into one or more contracts with the United States postal service, or its licensee, which permit the ~~((auditor to))~~ use of postal service change-of-address information. If the ~~((auditor receives))~~ change of address information is received from the United States postal service that indicates that a voter has changed his or her residence address within the ~~((county))~~ state, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address~~((If the auditor receives postal change of address information indicating that the voter has moved out of the county, the auditor shall send a confirmation notice to the voter and advise the voter of the need to reregister in the new county. The auditor shall place the voter's registration on inactive status));~~

(2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter ~~((within the county))~~ bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;

(3) Any other method approved by the secretary of state.

Sec. 129. RCW 29A.08.610 and 2003 c 111 s 237 are each amended to read as follows:

In addition to the case-by-case cancellation procedure required in RCW 29A.08.420, ~~((the county auditor, in conjunction with the office of))~~ the secretary of state, shall ~~((participate in an annual))~~ conduct an ongoing list maintenance program designed to detect persons registered in more than one county or voting in more than one county in an election. This program must be applied uniformly throughout the ((county)) state and must be nondiscriminatory in its application. The program must be completed not later than thirty days before the date of a primary or general election.

The office of the secretary of state shall ~~((cause to be created a list of))~~ search the statewide voter registration list to find registered voters with the same date of birth and similar names ~~((who appear on two or more county lists of registered voters)). The ((office of the))~~ secretary of state shall ~~((forward this list to each county auditor so that they may properly cancel the previous registration of voters who have subsequently registered in a different county. The county auditor of the county where the previous registration was made shall cancel the registration of the voter if it appears that the signatures in the registration and the signature provided to the new county on the voter's new registration were made by the same person))~~ compare the signatures on each voter registration record and after confirming that a duplicate registration exists properly resolve the duplication.

If a voter is suspected of voting in two or more counties in an election, the county auditors in each county shall cooperate without delay to determine the voter's county of residence. The county auditor of the county of residence of the voter suspected of voting in two or more counties shall take action under RCW 29A.84.010 without delay.

Sec. 130. RCW 29A.08.620 and 2003 c 111 s 239 are each amended to read as follows:

(1) A county auditor shall assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable:

- (a) An acknowledgement of registration;
- (b) An acknowledgement of transfer to a new address;

(c) A vote-by-mail ballot, absentee ballot, or application for a ballot;
(d) Notification to a voter after precinct reassignment;
(e) Notification to serve on jury duty; or
(f) Any other document other than a confirmation notice, required by statute, to be mailed by the county auditor to the voter.

(2) A county auditor shall also assign a registered voter to inactive status and shall send the voter a confirmation notice:

(a) Whenever change of address information received from the department of licensing under RCW 29A.08.350, or by any other agency designated to provide voter registration services under RCW ~~((29.07.420))~~ 29A.08.310, indicates that the voter has moved to an address outside the ~~((county))~~ state; or

(b) If the auditor receives postal change of address information under RCW 29A.08.605, indicating that the voter has moved out of the ~~((county))~~ state.

Sec. 131. RCW 29A.08.630 and 2003 c 111 s 241 are each amended to read as follows:

The county auditor shall return an inactive voter to active voter status if, during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second general election for federal office that occurs after the date that the voter was sent a confirmation notice, the voter: Notifies the auditor of a change of address within the county; responds to a confirmation notice with information that the voter continues to reside at the registration address; votes or attempts to vote in a primary or a special or general election and resides within the county; or signs any petition authorized by statute for which the signatures are required by law to be verified by the county auditor or secretary of state. If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration.

Sec. 132. RCW 29A.08.640 and 2003 c 111 s 243 are each amended to read as follows:

If the response to the confirmation notice provides the county auditor with the information indicating that the voter has moved within the county, the auditor shall transfer the voter's registration. If the response indicates a move out of a county, but within the state, the auditor shall place the registration in inactive status for transfer pending acceptance by the county indicated by the new address. The auditor shall immediately notify the auditor of the county with the new address. If the response indicates that the voter has left the ~~((county))~~ state, the auditor shall cancel the voter's registration on the official state voter registration list.

Sec. 133. RCW 29A.08.710 and 2003 c 111 s 246 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying: The voter's name, gender, voting record, date of registration, and registration number. The address and political jurisdiction of a registered voter are available for public inspection and copying except as provided by chapter 40.24 RCW. No other information from voter registration records or files is available for public inspection or copying.

Sec. 134. RCW 29A.08.760 and 2003 c 111 s 251 are each amended to read as follows:

~~((As soon as any or all of the voter registration data from the counties has been received under RCW 29A.08.750 and processed, the secretary of state shall provide a duplicate copy of this data to the political party organization or other individual making the request, at cost, shall provide a duplicate copy of the master statewide computer tape or data file of registered voters to the statute law committee without cost, and))~~ The secretary of state shall provide a duplicate copy of the master statewide computer ~~((tape))~~ file or electronic data file of registered voters to the department of information services for purposes of creating the jury source list without cost. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.730 and 29A.08.740.

Sec. 135. RCW 29A.08.770 and 2003 c 111 s 252 are each amended to read as follows:

The secretary of state and each county auditor shall maintain for at least two years and shall make available for public inspection and copying all records concerning the implementation of programs and activities conducted for the purpose of insuring the accuracy and currency of official lists of eligible voters. These records must include lists of the names and addresses of all persons to whom notices are sent and

information concerning whether or not each person has responded to the notices. These records must contain lists of all persons removed from the list of eligible voters and the reasons why the voters were removed.

NEW SECTION. Sec. 136. Only voters who appear on the official statewide voter registration list are eligible to participate in elections. Each county shall maintain a copy of that county's portion of the state list. The county must ensure that data used for the production of poll lists and other lists and mailings done in the administration of each election are drawn from the official statewide voter registration list.

NEW SECTION. Sec. 137. Each county shall ensure complete freedom of electronic access and information transfer between the county's election management and voter registration system and the secretary of state's official statewide voter registration list.

NEW SECTION. Sec. 138. Any state or local election officer, or a designee, who has access to any county or statewide voter registration data base who knowingly uses or alters information in the data base inconsistent with the performance of his or her duties is guilty of a class C felony, punishable under RCW 9A.20.021.

Sec. 139. RCW 11.88.010 and 1991 c 289 s 1 are each amended to read as follows:

(1) The superior court of each county shall have power to appoint guardians for the persons and/or estates of incapacitated persons, and guardians for the estates of nonresidents of the state who have property in the county needing care and attention.

(a) For purposes of this chapter, a person may be deemed incapacitated as to person when the superior court determines the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety.

(b) For purposes of this chapter, a person may be deemed incapacitated as to the person's estate when the superior court determines the individual is at significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs.

(c) A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity.

(d) A person may also be determined incapacitated if he or she is under the age of majority as defined in RCW 26.28.010.

(e) For purposes of giving informed consent for health care pursuant to RCW 7.70.050 and 7.70.065, an "incompetent" person is any person who is (i) incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his or her property or caring for himself or herself, or both, or (ii) incapacitated as defined in (a), (b), or (d) of this subsection.

(f) For purposes of the terms "incompetent," "disabled," or "not legally competent," as those terms are used in the Revised Code of Washington to apply to persons incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of incapacitated persons, who by reason of their incapacity have need for protection and assistance, but who are capable of managing some of their personal and financial affairs. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and restrictions on an incapacitated person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incapacitated nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

(3) Venue for petitions for guardianship or limited guardianship shall lie in the county wherein the alleged incapacitated person is domiciled, or if such person resides in a facility supported in whole or in part by local, state, or federal funding sources, in either the county where the facility is located, the county of domicile prior to residence in the supported facility, or the county where a parent or spouse of the alleged incapacitated person is domiciled.

If the alleged incapacitated person's residency has changed within one year of the filing of the petition, any interested person may move for a change of venue for any proceedings seeking the appointment of a guardian or a limited guardian under this chapter to the county of the alleged incapacitated person's last place of residence of one year or more. The motion shall be granted when it appears to the court that such venue would be in the best interests of the alleged incapacitated person and would promote more complete consideration of all relevant matters.

(4) Under RCW 11.94.010, a principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if guardianship proceedings for the

principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

(5) When a court imposes a full guardianship for an incapacitated person, the person shall be considered incompetent for purposes of rationally exercising the right to vote and shall lose the right to vote, unless the court specifically finds that the person is rationally capable of exercising the franchise. Imposition of a limited guardianship for an incapacitated person shall not result in the loss of the right to vote unless the court determines that the person is incompetent for purposes of rationally exercising the franchise. When a court determines that the person is incompetent for the purpose of rationally exercising the right to vote, the court shall notify the appropriate county auditor.

NEW SECTION. **Sec. 140.** In developing the technical standards of data formats for transferring voter registration data, the secretary shall consult with the information services board. The board shall review and make recommendations regarding proposed technical standards prior to implementation.

PART II LOCAL GOVERNMENT GRANT PROGRAM

NEW SECTION. **Sec. 201.** The secretary of state shall establish a competitive local government grant program to solicit and prioritize project proposals from county election offices. Potential projects proposals must be new projects designed to help the county election office comply with the requirements of the Help America Vote Act (P.L. 107-252). Grant funds will not be allocated to fund existing statutory functions of local elections offices, and in order to be eligible for a grant, local election offices must maintain an elections budget at or above the local elections budget by the effective date of this section.

NEW SECTION. **Sec. 202.** The secretary of state will administer the grant program and disburse funds from the election account established in the state treasury by the legislature in chapter 48, Laws of 2003. Only grant proposals from local government election offices will be reviewed. The secretary of state and any local government grant recipient shall enter into an agreement outlining the terms of the grant and a payment schedule. The payment schedule may allow the secretary of state to make payments directly to vendors contracted by the local government election office from Help America Vote Act (P.L. 107-252) funds. The secretary of state shall adopt any rules necessary to facilitate this section.

NEW SECTION. **Sec. 203.** (1) The secretary of state shall create an advisory committee and adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria for administering the local government grant program, which may include a preference for grants that include a match of local funds.

(2) The advisory committee shall review grant proposals and establish a prioritized list of projects to be considered for funding by the third Tuesday in May of each year beginning in 2004 and continuing as long as funds in the election account established by chapter 48, Laws of 2003 are available. The grant award may have an effective date other than the date the project is placed on the prioritized list, including money spent previously by the county that would qualify for reimbursement under the Help America Vote Act (P.L. 107-252).

(3) Examples of projects that would be eligible for local government grant funding include, but are not limited to the following:

- (a) Replacement or upgrade of voting equipment, including the replacement of punchcard voting systems;
- (b) Purchase of additional voting equipment, including the purchase of equipment to meet the disability requirements of the Help America Vote Act (P.L. 107-252);
- (c) Purchase of new election management system hardware and software capable of integrating with the statewide voter registration system required by the Help America Vote Act (P.L. 107-252);
- (d) Development and production of poll worker recruitment and training materials;
- (e) Voter education programs;
- (f) Publication of a local voters pamphlet;
- (g) Toll-free access system to provide notice of the outcome of provisional ballots; and
- (h) Training for local election officials.

PART III DISABILITY ACCESS VOTING

NEW SECTION. **Sec. 301.** "Disability access voting location" means a location designated by the county auditor for the conduct of in-person disability access voting.

NEW SECTION. Sec. 302. "Disability access voting period" means the period of time starting twenty days before an election until one day before the election.

NEW SECTION. Sec. 303. "In-person disability access voting" means a procedure in which a voter may come in person to a disability access location and cast a ballot during the disability access voting period.

NEW SECTION. Sec. 304. At the discretion of the county auditor, in-person disability access voting may take place during the period starting twenty days before the day of a primary or election and ending the day before the election. The auditor shall maintain a system or systems to prevent multiple voting. The end of the disability access voting period in each county will be determined by the auditor's need and ability to print and distribute poll books to the polls in order to prevent multiple voting.

NEW SECTION. Sec. 305. The county auditor has sole discretion for determining locations within the county and operating hours for disability access voting locations.

NEW SECTION. Sec. 306. In-person disability access voting must be conducted using disability access voting devices at locations that are acceptable and comply with federal and state access requirements.

NEW SECTION. Sec. 307. No person may interfere with a voter in any way within the disability access voting location. This does not prevent the voter from receiving assistance in preparing his or her ballot as provided in this chapter.

NEW SECTION. Sec. 308. (1) During posted disability access voting hours, no person may, within the voting location, or in any public area within three hundred feet of an entrance to the voting location:

(a) Suggest or persuade or attempt to suggest or persuade a voter to vote for or against a candidate or ballot measure;

(b) Circulate cards or handbills of any kind;

(c) Solicit signatures to any kind of petition; or

(d) Engage in a practice that interferes with the freedom of voters to exercise their franchise or disrupts the administration of the early voting location.

(2) No person may obstruct the doors or entries to a building containing the voting location or prevent free access to and from the voting location. Any sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction, and may arrest a person creating such an obstruction.

(3) No person may:

(a) Except as provided in RCW 29A.44.050, remove a ballot from the disability access voting location before the closing of the polls; or

(b) Solicit a voter to show his or her ballot.

(4) No person other than a voting election official may receive from a voter a voted ballot or deliver a blank ballot to the voter.

(5) A violation of this section is a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, and the person convicted may be ordered to pay the costs of prosecution.

NEW SECTION. Sec. 309. A disability access voting election officer who does any electioneering during the voting period is guilty of a misdemeanor, and upon conviction must be fined a sum not exceeding one hundred dollars and pay the costs of prosecution.

NEW SECTION. Sec. 310. A voter desiring to vote at a disability access voting site shall give his or her name to the voting election officer who has the precinct list of registered voters. This officer shall announce the name to the election officer who has the copy of the list of voters. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth and operate a voting device. The number of the ballot or the voter must be recorded by the election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

NEW SECTION. Sec. 311. Disability access voting locations must remain open continuously until the time specified in the notice of disability access voting. At the time of closing, the election officers shall announce that the disability access voting location is closed.

NEW SECTION. Sec. 312. If at the time of closing the disability access voting location, there are voters in the location who have not voted, they must be allowed to vote after the location has been closed.

NEW SECTION. Sec. 313. Immediately after the daily close of the disability access voting location and the completion of voting, the election officers shall count the number of votes cast and make a record of any discrepancy between this number and the number of voters who signed the poll book for that day, complete the certifications in the poll book, prepare the ballots for transfer to the counting center if necessary, and seal the voting devices.

NEW SECTION. Sec. 314. (1) At the direction of the county auditor, a team or teams composed of a representative of at least two major political parties shall stop at disability access voting locations and pick up the sealed containers of ballots or electronic ballot media for delivery to the counting center. This process must occur daily at the closing hour for the voting location. Two election officials, representing two major political parties, shall seal the containers furnished by the county auditor and properly identified with his or her address with uniquely prenumbered seals.

(2) At the counting center or the collection stations where the sealed ballot containers are delivered by the designated representatives of the major political parties, the county auditor or a designated representative of the county auditor shall receive the sealed ballot containers, record the time, date, voting location, and seal number of each ballot container.

Sec. 315. RCW 29A.16.010 and 2003 c 111 s 401 are each amended to read as follows:

The intent of this chapter is to require state and local election officials to designate and use polling places and disability access voting locations in all elections and permanent registration locations which are accessible to elderly and disabled persons. County auditors shall:

- (1) Make modifications such as installation of temporary ramps or relocation of polling places within buildings, where appropriate;
- (2) Designate new, accessible polling places to replace those that are inaccessible; and
- (3) Continue to use polling places and voter registration locations which are accessible to elderly and disabled persons.

Sec. 316. RCW 29A.16.130 and 2003 c 111 s 409 are each amended to read as follows:

Each state agency and entity of local government shall permit the use of any of its buildings and the most suitable locations therein as polling places or disability access voting locations when required by a county auditor to provide accessible places in each precinct.

Sec. 317. RCW 29A.44.030 and 2003 c 111 s 1103 are each amended to read as follows:

Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove the material when he or she leaves the polls or the disability access voting location.

Sec. 318. RCW 29A.44.040 and 2003 c 111 s 1104 are each amended to read as follows:

No ballots may be used in any polling place or disability access voting location other than those prepared by the county auditor. No voter is entitled to vote more than once at a primary or a general or special election, except that if a voter incorrectly marks a ballot, he or she may return it and be issued a new ballot. The precinct election officers shall void the incorrectly marked ballot and return it to the county auditor.

Sec. 319. RCW 29A.44.220 and 2003 c 111 s 1121 are each amended to read as follows:

On signing the precinct list of registered voters or being issued a ballot, the voter shall, without leaving the polling place or disability access location, proceed to one of the voting booths or voting devices to cast his or her vote. When county election procedures so provide, the election officers may tear off and retain the numbered stub from the ballot before delivering the ballot to the voter. If an election officer has not already done so, when the voter has finished, he or she shall either (1) remove the numbered stub from the ballot, place the ballot in the ballot box, and return the number to the ((precinct)) election officers, or (2) deliver the entire ballot to the ((precinct)) election officers, who shall remove the numbered stub from the ballot and place the ballot in the ballot box. If poll-site ballot counting devices are used, the voter shall put the ballot in the device.

Sec. 320. RCW 29A.44.350 and 2003 c 111 s 1133 are each amended to read as follows:

If a poll-site ballot counting device fails to operate at any time during polling hours or disability access voting hours, voting must continue, and the ballots must be deposited for later tabulation in a secure ballot compartment separate from the tabulated ballots.

NEW SECTION. Sec. 321. In developing technical standards for voting technology and systems to be accessible for individuals with disabilities, the secretary shall consult with the information services board.

The board shall review and make recommendations regarding proposed technical standards prior to implementation.

PART IV ADMINISTRATIVE COMPLAINT PROCEDURE

NEW SECTION. Sec. 401. The state-based administrative complaint procedures required in the Help America Vote Act (P.L. 107-252) and detailed in administrative rule apply to all primary, general, and special elections administered under this title.

PART V PROVISIONAL BALLOT AFTER THE POLLS CLOSE

NEW SECTION. Sec. 501. (1) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time for closing the polls, may vote in that election only by casting a provisional ballot. As to court orders extending the time for closing the polls, this section does not apply to any voters who were present in the polling place at the statutory closing time and as a result are permitted to vote under RCW 29A.44.070. This section does not, by itself, authorize any court to order that any individual be permitted to vote or to extend the time for closing the polls, but this section is intended to comply with 42 U.S.C. Sec. 15482(c) with regard to federal elections.

(2) Any ballot cast under subsection (1) of this section must be separated and held apart from other provisional ballots cast by those not affected by the order.

PART VI VOTING SYSTEM

NEW SECTION. Sec. 601. As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

- (a) To define ballots;
- (b) To cast and count votes;
- (c) To report or display election results from the voting system;
- (d) To maintain and produce any audit trail information; and

(2) The practices and associated documentation used:

- (a) To identify system components and versions of such components;
- (b) To test the system during its development and maintenance;
- (c) To maintain records of system errors and defects;
- (d) To determine specific system changes to be made to a system after the initial qualification of the system; and
- (e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

PART VII CONFORMING AMENDMENTS, REPEALERS, AND EFFECTIVE DATES

Sec. 701. RCW 29.33.305 and 2003 c 110 s 1 are each amended to read as follows:

(1) ~~((The secretary of state shall adopt rules and establish standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters.~~

~~(2))~~ At each polling location, at least one voting unit certified by the secretary of state shall provide access to individuals who are blind or visually impaired.

~~((3))~~ (2) Compliance with this provision in regard to voting technology and systems purchased prior to July 27, 2003, shall be achieved at the time of procurement of an upgrade of technology compatible with nonvisual voting methods or replacement of existing voting equipment or systems.

~~((4))~~ (3) Compliance with subsection~~((s))~~ (2) ~~((and (3)))~~ of this section is contingent on available funds to implement this provision.

~~((5))~~ (4) For purposes of this section, the following definitions apply:

- (a) "Accessible" includes receiving, using, selecting, and manipulating voter data and controls.
- (b) "Nonvisual" includes synthesized speech, Braille, and other output methods.
- (c) "Blind and visually impaired" excludes persons who are both deaf and blind.

~~((6))~~ (5) This section does not apply to voting by absentee ballot.

Sec. 702. RCW 29A.04.610 and 2003 c 111 s 161 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;
- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic facsimile;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;
- (22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
- (23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
- (24) Procedures and forms for declarations of candidacy;
- (25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
- (26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
- (27) Filing for office;
- (28) The order of positions and offices on a ballot;
- (29) Sample ballots;
- (30) Independent evaluations of voting systems;
- (31) The testing, approval, and certification of voting systems;
- (32) The testing of vote tallying software programming;
- (33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;
- (36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;
- (37) The tabulation of paper ballots before the close of the polls;

- (38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;
- (39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;
- (40) Procedures for conducting a statutory recount;
- (41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
- (43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;
- (44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;
- (45) Procedures for the publication of a state voters' pamphlet; (~~and~~)
- (46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (47) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;
- (48) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;
- (49) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);
- (50) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;
- (51) Provisions and procedures to implement the state based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252); and
- (52) Facilitating the payment of local government grants to local government election officers or vendors.

NEW SECTION. Sec. 703. The following acts or parts of acts are each repealed:

- a. RCW 29A.04.181 (Voting system, device, tallying system) and 2003 c 111 s 131;
- b. RCW 29A.08.530 (Weekly report of cancellations and name changes) and 2003 c 111 s 234, 1999 c 298 s 8, 1994 c 57 s 43, 1971 ex.s. c 202 s 31, & 1965 c 9 s 29.10.100;
- c. RCW 29A.08.645 (Electronic file format) and 2003 c 111 s 244 & 1999 c 100 s 5; and
- d. RCW 29A.08.650 (Voter registration data base) and 2003 c 111 s 245 & 2002 c 21 s 2.

NEW SECTION. Sec. 704. RCW 29A.08.750 (Computer file of registered voters--County records to secretary of state--Reimbursement) and 2003 c 111 s 250 are each repealed.

NEW SECTION. Sec. 705. (1) Sections 101, 106, 125, 136, 137, and 140 of this act are each added to chapter 29A.08 RCW.

- (2) Sections 201 through 203, 401, and 501 of this act are each added to chapter 29A.04 RCW.
- (3) Sections 138 and 309 of this act are each added to chapter 29A.84 RCW.
- (4) Sections 321 and 601 of this act are each added to chapter 29A.12 RCW.

NEW SECTION. Sec. 706. Sections 301 through 308 and 310 through 314 of this act constitute a new chapter in Title 29A RCW.

NEW SECTION. Sec. 707. (1) Sections 103, 104, and 115 through 118 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

- (2) Sections 119, 140, 201 through 203, 321, 401, 501, and 702 of this act take effect July 1, 2004.
- (3) Sections 301 through 320 of this act take effect January 1, 2005.
- (4) Sections 101, 102, 105 through 114, 120 through 139, 601, 701, and 704 of this act take effect January 1, 2006.

NEW SECTION. Sec. 708. Part headings used in this act are not any part of the law."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 6439 Prime Sponsor, Senator Horn: Enhancing motorcycle safety curriculum. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6442 Prime Sponsor, Senate Committee on Ways & Means: Creating the developmental disabilities community trust account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that: There are unmet needs for community-based services for persons with developmental disabilities and excess resources at residential habilitation centers unrelated to current residential habilitation center operations; funding shortfalls in the 2003-2005 biennium and beyond may adversely impact the ability of the state to fund programs for growing numbers of unserved persons with developmental disabilities who need community-based services; and statistics generated by the department of social and health services' division of developmental disabilities demonstrate a growing caseload with insufficient funding and planning to address this growth.

The December 4, 2002, capital study of the division of developmental disabilities residential habilitation centers by the joint legislative audit and review committee identifies options to dispose of excess property at Lakeland Village, Rainier School, and Yakima Valley School that would not impact current residential habilitation center operations.

It is the intent of the legislature to allow use of these excess capital properties at residential habilitation centers for persons with developmental disabilities and to place the proceeds from their use into a perpetual trust account for unserved persons with developmental disabilities waiting for community-based developmental disability services.

NEW SECTION. Sec. 2. A new section is added to chapter 71A.20 RCW to read as follows:

(1) Excess property identified in the 2002 joint legislative audit and review committee capital study of the division of developmental disabilities residential habilitation centers must be managed to provide as much income as feasible and this income deposited into the developmental disabilities community trust account created in section 3 of this act. Income may come from lease of the land, conservation easements, sale of timber, or other activities short of sale of the property.

(2) The department shall report on its efforts and strategies to provide income to the developmental disabilities community trust account from the excess property identified in subsection (1) of this section from the lease of the property, sale of timber, or other activity short of sale of the property. The department shall report by June 30, 2005.

(3) This section and section 3 of this act shall not apply to the portion of excess property at Rainier school under the cognizance and control of Washington State University used for extension services and not a dairy.

NEW SECTION. **Sec. 3.** A new section is added to chapter 71A.20 RCW to read as follows:

The developmental disabilities community trust account is created in the state treasury. All income from the use of excess property identified in the 2002 joint legislative audit and review committee capital study of the division of developmental disabilities residential habilitation centers, any building, facility, or tract of land not held in trust at any of the residential habilitation centers identified in this chapter, or sale of timber on these excess lands, must be deposited into this account. "Excess property" does not include property that would impact current residential habilitation operations or is necessary to support the mission of the residential habilitation center. Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. Investment income from the account may be spent only after appropriation and must be used solely for community developmental disability services for persons with developmental disabilities who are unserved. Moneys in the account may not be used to supplant ongoing expenditures for community services to persons with developmental disabilities.

Sec. 4. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction

account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 5. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management

improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the

normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 5 of this act which takes effect July 1, 2005.

NEW SECTION. **Sec. 7.** Section 4 of this act expires July 1, 2005."

Correct the title.

Signed by Representatives Dunshee, Chairman; Hunt, Vice Chairman; Alexander, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Benson; Blake; Chase; Eickmeyer; Hankins; Hinkle; Kirby; Lantz; Mastin; Morrell; Murray; Newhouse; O'Brien; Orcutt; G. Simpson; Veloria and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Bush and Schoesler.

Passed to Committee on Rules for second reading.

March 1, 2004

ESSB 6481 Prime Sponsor, Senate Committee on Commerce & Trade: Governing class 1 racing associations' authority to participate in parimutuel wagering. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor (For amendment, see Journal * Day, February 27, 2004). Signed by Representatives Cairnes, Ranking Minority Member; Orcutt, Asst Ranking Minority Member; Ahern; Conway; Morris and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Chair and Hunter, Vice Chair.

Passed to Committee on Rules for second reading.

March 1, 2004

E2SSB 6489 Prime Sponsor, Senate Committee on Ways & Means: Revising provisions relating to correctional industries. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended to read as follows:

(1) There is created a correctional industries board of directors which shall have the composition provided in RCW 72.09.080.

(2) Consistent with general department of corrections policies and procedures pertaining to the general administration of correctional facilities, the board shall establish and implement policy for correctional industries programs designed to:

(a) Offer inmates meaningful employment, work experience, and training in vocations that are specifically designed to reduce recidivism and thereby enhance public safety by providing opportunities for legitimate means of livelihood upon their release from custody;

(b) Provide industries which will reduce the tax burden of corrections and save taxpayers money through production of goods and services for sale and use;

(c) Operate correctional work programs in an effective and efficient manner which are as similar as possible to those provided by the private sector;

(d) Encourage the development of and provide for selection of, contracting for, and supervision of work programs with participating private enterprise firms;

(e) Develop and ~~((design))~~ select correctional industries work programs that do not unfairly compete with Washington businesses;

(f) Invest available funds in correctional industries enterprises and meaningful work programs that minimize the impact on in-state jobs and businesses.

(3) The board of directors shall at least annually review the work performance of the director of correctional industries division with the secretary.

(4) The director of correctional industries division shall review and evaluate the productivity, funding, and appropriateness of all correctional work programs and report on their effectiveness to the board and to the secretary.

(5) The board of directors shall have the authority to identify and establish trade advisory or apprenticeship committees to advise them on correctional industries work programs. The secretary shall appoint the members of the committees.

Where a labor management trade advisory and apprenticeship committee has already been established by the department pursuant to RCW 72.62.050 the existing committee shall also advise the board of directors.

(6) The board shall develop a strategic yearly marketing plan that shall be consistent with and work towards achieving the goals established in the six-year phased expansion of class I and class II correctional industries established in RCW 72.09.111. This marketing plan shall be presented to the appropriate committees of the legislature by January 17 of each calendar year until the goals set forth in RCW 72.09.111 are achieved.

Sec. 2. RCW 72.09.100 and 2002 c 175 s 49 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the correctional industries board of directors to protect Washington businesses from unfair competition.

For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include ~~((aa))~~ the analysis ~~((of the potential impact of the proposed products and services on the Washington state business community and labor market))~~ required under section 4 of this act to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I

correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state(=) when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

~~((a))~~ (i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

~~((b))~~ (ii) Whenever possible, to provide forty hours of work or work training per week.

~~((c))~~ (iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

Sec. 3. RCW 72.09.100 and 2002 c 354 s 238 and 2002 c 175 s 49 are each reenacted and amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. It is also the intent of the legislature to ensure that the correctional industries board of directors, in developing and selecting correctional industries work programs, does not encourage the development of, or provide for selection of or contracting for, or the significant expansion of, any new or existing class I correctional industries work programs that unfairly compete with Washington businesses. The legislature intends that the requirements relating to fair competition in the correctional industries work programs be liberally construed by the correctional industries board of directors to protect Washington businesses from unfair competition. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES.

(a) The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

(b) The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers.

(c) The correctional industries board of directors shall review these proposed industries, including any potential new class I industries work program or the significant expansion of an existing class I industries work program, before the department contracts to provide such products or services. The review shall include ((an)) the analysis ((of the potential impact of the proposed products and services on the Washington state business community and labor market)) required under section 4 of this act to determine if the proposed correctional industries work program will compete with any Washington business. An agreement for a new class I correctional industries work program, or an agreement for a significant expansion of an existing class I correctional industries work program, that unfairly competes with any Washington business is prohibited.

(d) The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

(e) Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

(f) An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES.

(a) Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations.

(b) The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The

industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons.

(c)(i) Class II correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors.

(ii) The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

(d) Security and custody services shall be provided without charge by the department of corrections.

(e) Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

(f) Subject to approval of the correctional industries board, provisions of RCW 41.06.142 shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

~~((a))~~ (i) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

~~((b))~~ (ii) Whenever possible, to provide forty hours of work or work training per week.

~~((c))~~ (iii) Whenever possible, to offset tax and other public support costs.

(b) Class III correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class III program at its discretion.

(c) Supervising, management, and custody staff shall be employees of the department.

(d) All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

(e) Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES.

(a) Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

(b) Class IV correctional industries shall be reviewed by the correctional industries board of directors to set policy for work crews. The department shall present to the board of directors quarterly detail statements showing where work crews worked, what correctional industry class, and the hours worked. The board of directors may review any class IV program at its discretion. Class IV correctional industries operated in work camps established pursuant to RCW 72.64.050 are exempt from the requirements of this subsection (4)(b).

(c) Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

(d) The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

(e) Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY RESTITUTION PROGRAMS.

(a) Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community restitution order as ordered by the sentencing court.

(b) Employment shall be in a community restitution program operated by the state, local units of government, or a nonprofit agency.

(c) To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department must prepare a threshold analysis for any proposed new class I correctional industries work program or the significant expansion of an existing class I correctional industries work program before the department enters into an agreement to provide such products or services. The analysis must state whether the proposed new or expanded program will impact any Washington business and must be based on information sufficient to evaluate the impact on Washington business.

(2) If the threshold analysis determines that a proposed new or expanded class I correctional industries work program will impact a Washington business, the department must complete a business impact analysis before the department enters into an agreement to provide such products or services. The business impact analysis must include:

(a) A detailed statement identifying the scope and types of impacts caused by the proposed new or expanded correctional industries work program on Washington businesses; and

(b) A detailed statement of the business costs of the proposed correctional industries work program compared to the business costs of the Washington businesses that may be impacted by the proposed class I correctional industries work program. Business costs of the proposed correctional industries work program include rent, water, sewer, electricity, disposal, labor costs, and any other quantifiable expense unique to operating in a prison. Business costs of the impacted Washington business include rent, water, sewer, electricity, disposal, property taxes, and labor costs including employee taxes, unemployment insurance, and workers' compensation.

(3) The completed threshold analysis and any completed business impact analysis with all supporting documents must be shared in a meaningful and timely manner with local chambers of commerce, trade or business associations, local and state labor union organizations, and government entities before a finding required under subsection (4) of this section is made on the proposed new or expanded class I correctional industries work program.

(4) If a business impact analysis is completed, the department must conduct a public hearing to take public testimony on the business impact analysis. The department must, at a minimum, establish a publicly accessible web site containing information reasonably calculated to provide notice to each Washington business assigned the same three-digit standard industrial classification code, or the corresponding North American industry classification system code, as the organization seeking the class I correctional industries work program agreement of the date, time, and place of the hearing. Notice of the hearing shall be posted at least thirty days prior to the hearing.

(5) Following the public hearing, the department shall adopt a finding that the proposed new or expanded class I correctional industries work program: (a) Will not compete with any Washington business; (b) will not compete unfairly with any Washington business; or (c) will compete unfairly with any Washington business and is therefore prohibited under this act.

Sec. 5. RCW 72.09.460 and 1998 c 244 s 10 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection (4) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(3) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

(b) Additional work and education programs based on assessments and placements under subsection (5) of this section; and

(c) Other work and education programs as appropriate.

(4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level(~~(-except)~~). An inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that inmates with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of inmates participating in a new class I correctional industry not in existence on the effective date of this section;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

(6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

(7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

(8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

(9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

Sec. 6. RCW 72.09.015 and 1995 1st sp.s. c 19 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" means a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned (~~early~~) release as authorized by RCW 9.94A.728.

(6) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and policies.

(8) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

(11) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

(12) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(13) "Secretary" means the secretary of corrections or his or her designee.

(14) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

(15) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((15))~~ (16) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the

correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

(17) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on the effective date of this section.

(18) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

Sec. 7. RCW 72.09.111 and 2003 c 379 s 25 and 2003 c 271 s 2 are each reenacted and amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(ii).

(3) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Subject to availability of funds for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

~~((4))~~ (6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

~~((6))~~ (7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

~~((7) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:~~

~~(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;~~

~~(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.)~~

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

All records, documents, data, and other materials obtained under the requirements of section 4 of this act from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under chapter 42.17 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 42.17 RCW to read as follows:

All records, documents, data, and other materials obtained under the requirements of section 4 of this act from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under this chapter.

Sec. 10. RCW 28B.10.029 and 1998 c 344 s 5 and 1998 c 111 s 2 are each reenacted and amended to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637. The community and technical colleges shall comply with RCW 43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW ((43.19.1935, 43.19.19363, and 43.19.19368)) 43.41.310, 43.41.290, and 43.41.350. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration. Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(5) An institution of higher education may exercise independently those powers otherwise granted to the public printer in chapter 43.78 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapter 39.19 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the public printer. Thereafter the public printer shall not be required to provide those services for that institution.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 12. Section 3 of this act takes effect July 1, 2005.

NEW SECTION. Sec. 13. Section 2 of this act expires July 1, 2005."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6575 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Concerning use classifications for irrigation district conveyance and drainage facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. Signed by Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SB 6614 Prime Sponsor, Senator Poulsen: Removing the damages floor for unauthorized impounds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Nixon.

Passed to Committee on Rules for second reading.

February 28, 2004

SSB 6636 Prime Sponsor, Senate Committee on Agriculture: Regulating the disposal of animals. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) An interagency work group shall be formed by the departments of health, agriculture, and ecology to develop a comprehensive state policy on proper methods for disposing of animal carcasses in a manner that protects other animals and humans.

(2) In developing the state policy, the interagency work group shall include the involvement of:

(a) Local health departments;

(b) Other state and federal agencies that have an interest or expertise in the issues to be reviewed by the work group;

(c) University scientists;

(d) Representatives of meat processors;

(e) Representatives of animal feeding operations; and

(f) Other affected constituency groups.

(3) In developing the comprehensive state policy, the interagency work group shall:

(a) Include a review of existing rules for their adequacy in protecting public health and animal health from possible transmission of diseases including, but not limited to, various forms of transmissible spongiform encephalopathies;

(b) Examine the possible vectors of disease transmission including air, land, water, birds, and scavengers;

(c) Evaluate any applicable existing or proposed federal regulations and applicable draft technical guides, including, but not limited to, RCW 16.68.020, WAC 246-203-120(3), and guidance from the United States department of agriculture; and

(d) Develop an educational component that will provide information and technical guidance to governmental entities, animal owners, and the public on how to comply with the state policy and associated rules.

(4) The comprehensive state policy may include references to federal regulations and guidance documents, and the work group shall strive for a high degree of consistency between jurisdictions.

(5) The interagency work group shall provide a written report to the appropriate standing committees of the legislature by December 17, 2004, and December 16, 2005, that summarizes the actions of the work group and its findings and recommendations, including any recommendations for legislation to amend statutes that are necessary to implement the state policy developed under this section or to adjust any inconsistent state policies.

Sec. 2. RCW 16.68.020 and 1949 c 100 s 2 are each amended to read as follows:

~~(Every)~~ (1) Except as provided by the department of agriculture in emergency rules adopted pursuant to section 3 of this act, a person owning or having in charge ~~((any))~~ an animal that has died or been killed on account of disease shall immediately bury the carcass ~~((thereof))~~ of the animal to such a depth that no part of the carcass shall be nearer than three feet from the surface of the ground.

(2) Any animal found dead shall be presumed to have died from and on account of disease.

NEW SECTION. **Sec. 3.** Until December 30, 2005, the department of agriculture may issue emergency rules for the disposal of diseased animal carcasses that are supplemental to, or contrary to, RCW 16.68.020, if the director of the department of agriculture deems that such rules are appropriate for the disposal of a large number of animals.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 5.** This act expires December 30, 2005.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

Passed to Committee on Rules for second reading.

February 28, 2004

SSB 6641 Prime Sponsor, Senate Committee on Natural Resources, Energy & Water: Reducing the risk of oil spills and spill damage. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Fisheries, Ecology & Parks (For amendment, see Journal * Day, February 27, 2004). Signed by Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Asst Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

ESSB 6642 Prime Sponsor, Senate Committee on Children & Family Services & Corrections:
Ordering case conferences following shelter care hearings. Reported by Committee
on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Children & Family Services.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.067 and 2001 c 332 s 1 are each amended to read as follows:

(1) Following shelter care and no later than ~~((twenty-five))~~ thirty days prior to fact-finding, the department ~~((, upon the parent's request or counsel for the parent's request,))~~ shall ~~((facilitate))~~ convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department and the parent regarding ~~((the care and placement of the child))~~ voluntary services for the parent.

~~((The department shall invite to))~~ The case conference shall include the parent, counsel for the parent, ~~((the foster parent or other out of home care provider,))~~ caseworker, counsel for the state, guardian ad litem, ~~((counselor, or other relevant health care provider))~~ counsel for the child, and any other person ~~((connected to the development and well being of the child))~~ agreed upon by the parties. Once the shelter care order is entered, the department is not required to provide additional notice of the case conference to any participants in the case conference.

The ~~((initial))~~ written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific ~~((criteria that enables the court to measure the performance of both the department and the parent, and must be updated throughout the dependency process to reflect changes in expectations. The service agreement must serve as the unifying document for all expectations established in the department's various case planning and case management documents and the findings and orders of the court during dependency proceedings.~~

The court shall review the written service agreement at each stage of the dependency proceedings and evaluate the performance of both the department and the parent for consistent, measurable progress in complying with the expectations identified in the agreement) services to be provided to the parent.

The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department, upon the parent's request, shall ~~((facilitate))~~ convene a case conference.

Sec. 2. RCW 13.34.062 and 2001 c 332 s 2 are each amended to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You ~~((may request that the department facilitate))~~ have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing~~((, or case conference))~~ be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.

(c) The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(6) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

~~((6))~~ (7) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 3. RCW 13.34.094 and 2001 c 332 s 6 are each amended to read as follows:

The department shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing~~((, or case conference,))~~ information that describes these processes prior to the processes being undertaken.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 5.** This act takes effect July 1, 2004."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander; Anderson; Boldt; Buck; Chandler; Clements; Cody; Conway; Cox; Dunshee; Grant; Hunter; Kagi; Kenney; Kessler; Linville; McDonald; McIntire; Miloscia; Ruderman; Schual-Berke; Sump and Talcott.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6676 Prime Sponsor, Senate Committee on Highways & Transportation: Permitting transfer of license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.101 and 2003 c 264 s 7 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, ~~((the license plate number, or both,))~~ as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the department shall create a system enabling the seller of a vehicle to transmit the report of sale electronically. The system created by the department must immediately indicate on the department's vehicle record that a seller's report of sale has been filed.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars

additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

Sec. 2. RCW 46.16.023 and 1993 c 488 s 5 are each amended to read as follows:

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of ~~((five))~~ ten dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who knowingly makes any false statement of a material fact in the application for a special plate under subsection (1) of this section is guilty of a gross misdemeanor.

Sec. 3. RCW 46.16.290 and 1997 c 291 s 4 are each amended to read as follows:

(1) In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee.

(2)(a) If the sale or transfer is of a vehicle licensed with current standard issue license plates, the vehicle license plates may be retained and displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred. If a person applies for a transfer of the plate or plates to another eligible vehicle, the plates must be transferred to a vehicle requiring the same type of plate. A transfer fee of ten dollars must be charged in addition to all other applicable fees. The transfer fees must be deposited in the motor vehicle fund.

(b) If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, prisoner of war plates, or other special license plates issued under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred.

Sec. 4. RCW 46.16.316 and 1997 c 291 s 10 are each amended to read as follows:
Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates: (a) Under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; or (b) approved by the special license plate review board under RCW 46.16.715 through 46.16.775 sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or

plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of ((~~five~~) ten) dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

Sec. 5. RCW 46.16.590 and 1975 c 59 s 5 are each amended to read as follows:

Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired vehicle or camper eligible for personalized license plates, a transfer fee of ((~~five~~) ten) dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund.

Sec. 6. RCW 73.04.110 and 1987 c 98 s 2 are each amended to read as follows:

Any person who is a veteran as defined in RCW 41.04.005 who submits to the department of licensing satisfactory proof of a service-connected disability rating from the veterans administration or the military service from which the veteran was discharged and:

(1) Has lost the use of both hands or one foot;

(2) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States;

(3) Has become blind in both eyes as the result of military service; or

(4) Is rated by the veterans administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year;

is entitled to regular or special license plates issued by the department of licensing. The special license plates shall bear distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or former prisoner of war. This license shall be issued annually for one personal use vehicle without payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of ((~~five~~) ten) dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection (4) of this section.

Any person who has been issued free motor vehicle license plates under this section prior to July 1, 1983, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" means the definition of "blind" used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor."

Correct the title.

Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Campbell; Clibborn; Cooper; Dickerson; Flannigan; Hankins; Hatfield; Hudgins; Lovick; Morris; Romero; G. Simpson; Wallace; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Bailey; Kristiansen; Mielke; Nixon; Rodne; Schindler and Shabro.

Passed to Committee on Rules for second reading.

March 1, 2004

SSB 6688 Prime Sponsor, Senate Committee on Highways & Transportation: Authorizing a special "Helping Kids Speak" license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Rockefeller, Vice Chairman; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Armstrong; Bailey; Campbell; Clibborn; Cooper; Dickerson;

Flannigan; Hankins; Hatfield; Hudgins; Kristiansen; Lovick; Mielke; Morris; Nixon; Rodne; Romero; Schindler; Shabro; G. Simpson; Wallace; Wood and Woods.

Passed to Committee on Rules for second reading.

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

There being no objection, the Rules Committee was relieved of the following bills and they were placed on the second reading calendar:

HOUSE BILL NO. 2573,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5428,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5665,
SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5861,
SUBSTITUTE SENATE BILL NO. 6107,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SUBSTITUTE SENATE BILL NO. 6160,
SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6164,
SENATE BILL NO. 6177,
ENGROSSED SENATE BILL NO. 6180,
SUBSTITUTE SENATE BILL NO. 6216,
SUBSTITUTE SENATE BILL NO. 6225,
SUBSTITUTE SENATE BILL NO. 6265,
SENATE BILL NO. 6269,
SUBSTITUTE SENATE BILL NO. 6286,
SENATE BILL NO. 6314,
SENATE BILL NO. 6338,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6352,
SENATE BILL NO. 6372,
SUBSTITUTE SENATE BILL NO. 6384,
SENATE BILL NO. 6407,
SENATE BILL NO. 6417,
SENATE BILL NO. 6465,
SUBSTITUTE SENATE BILL NO. 6466,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SENATE BILL NO. 6480,
SENATE BILL NO. 6485,
SENATE BILL NO. 6493,
SUBSTITUTE SENATE BILL NO. 6494,
SENATE BILL NO. 6518,
SUBSTITUTE SENATE BILL NO. 6584,
SENATE BILL NO. 6586,
SUBSTITUTE SENATE BILL NO. 6615,
SUBSTITUTE SENATE BILL NO. 6649,
SENATE BILL NO. 6650,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6731,
ENGROSSED SENATE JOINT MEMORIAL NO. 8039,
SENATE JOINT MEMORIAL NO. 8040,
ENGROSSED SENATE JOINT MEMORIAL NO. 8050,
SENATE CONCURRENT RESOLUTION NO. 8419,

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

There being no objection, the House adjourned until 10:00 a.m., March 2, 2004, the 51th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FIFTIETH DAY, MARCH 1, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, March 02, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Darren Deleon and Carolyn Stevens. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. David James, St. John's Episcopal Church, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 2004-4704, By Representatives Jarrett and Clibborn

WHEREAS, It is the policy of the legislature to honor excellence in every field of endeavor; and

WHEREAS, The Mercer Island High School Boys' Varsity Water Polo Team proved their excellence in winning the 2003 Washington State Water Polo Championship; and

WHEREAS, The 2003 Mercer Island High School Boys' Varsity Water Polo Championship Team Members were John Jacobson, Teddy Trowbridge, Tom Stowell, Troy Bannister, Joseph Bruckner, John Wensman, Jeff Welch, Greg Trowbridge, Charlie Horton, Kevin Smith, Colin Sterling, Mike Smith Bronstein, Evan Howard, Brian Chong, Colin George, David Weed, Bill Gorin, Ryan Hammond, Blake Van Hartsvelt, Kyle Sterling, Adam Massman, and William Webster; and

WHEREAS, The 2003 Mercer Island High School Boys' Varsity Water Polo Championship Team Coaches were Head Coach, Tim Reed, and Assistant Coach, John Riess; and

WHEREAS, The 2003 Mercer Island High School Boys' Varsity Water Polo Championship Team Members exemplified to their classmates the success that is possible when clear goals are established and persistent effort is made toward those goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the 2003 Mercer Island High School Boys' Varsity Water Polo Championship Team Members for their dedication, sacrifice, and hard work in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor the 2003 Mercer Island High School Boys' Varsity Water Polo Championship Team Coaches, Head

Coach, Tim Reed, and Assistant Coach, John Riess, for their dedication, sacrifice, and leadership in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor the parents, families, classmates, teachers, and community members of the 2003 Mercer Island High School Boys' Varsity Water Polo Championship Team Members for the important part they played in helping these student athletes excel and achieve their goal; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mercer Island High School Principals Dr. Paul Highsmith and Donna Zickuhr, Athletic Director Craig Olson, and to each of the coaches and members of the 2003 Mercer Island High School Boys' Varsity Water Polo Championship Team.

HOUSE RESOLUTION NO. 4704 was adopted.

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

SECOND READING

HOUSE BILL NO. 2776, By Representatives Cody, McCoy, Conway, Wood, Hudgins, Crouse, Kagi, Kenney, McMorris, Murray and McIntire

Concerning problem gambling.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2776 was substituted for House Bill No. 2776 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2776 was read the second time.

With the consent of the House, amendment (1061) was withdrawn.

Representative Conway moved the adoption of amendment (1079):

On page 2, line 34, after "savings))" insert ". Of any amount transferred to the problem gambling treatment account, half must derive from gambling establishments operated by federally recognized Indian tribes, and half must derive from commercial gambling establishments regulated by the gambling commission"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (1007):

On page 4, after line 24, insert the following:

"(a) One member representing commercial gambling establishments regulated by the gambling commission, appointed jointly by the president of the senate and the speaker of the house of representatives;

(b) One member representing gambling establishments operated by federally recognized tribes, appointed jointly by the president of the senate and the speaker of the house of representatives, in consultation with the tribes;"

Renumber the remaining subsections.

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Cody, Bush, Conway and Wood spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Santos, Representatives Edwards, Morris and Sullivan were excused. On motion of Representative Clements, Representative McMorris was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2776.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2776 and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Buck and Cox - 2.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2776, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens and Hargrove)

Revising forensic competency and sanity examinations.

The bill was read the second time.

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

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5216.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5216 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5797, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette and Brandland)

Requiring the department of social and health services to inspect adult family homes at least every twenty-four months.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 46th Day, February 26, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5797, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5797, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SUBSTITUTE SENATE BILL NO. 5797, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5861, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Rasmussen, T. Sheldon, Finkbeiner, Kohl-Welles, Oke, Schmidt and Shin)

Making it a crime to impersonate a veteran of the armed forces.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 46th Day, February 26, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Armstrong and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5861, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5861, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5861, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6107, By Senate Committee on Agriculture (originally sponsored by Senators Rasmussen, Swecker, Eide, Esser, McAuliffe and Shin; by request of Department of Agriculture)

Preventing the spread of animal diseases.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schoesler and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6107, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6107, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative Holmquist - 1.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SUBSTITUTE SENATE BILL NO. 6107, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6125, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Morton)

Providing for alternate members of a water conservancy board.

The bill was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6125.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6125 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6125, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6160, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Keiser and Pflug)

Regarding fairness and accuracy in the distribution of risk in boarding homes and nursing homes.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6160, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6160, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SUBSTITUTE SENATE BILL NO. 6160, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6161, By Senate Committee on Judiciary (originally sponsored by Senators Regala, McCaslin, Franklin, Brandland, B. Sheldon, Esser, Spanel, Winsley, Rasmussen, Kastama, Kohl-Welles, Shin, Haugen, Keiser, Hargrove, Kline, Doumit, Eide, Fraser, Jacobsen, Benton, Oke, Brown, Murray and McAuliffe)

Requiring law enforcement agencies to adopt policies concerning domestic violence by sworn employees.

The bill was read the second time.

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

Representatives Lantz, Delvin and Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6161.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6161 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SUBSTITUTE SENATE BILL NO. 6161, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6164, By Senators B. Sheldon, Shin, Kastama, Oke, Swecker, Franklin, Winsley, Rasmussen, Brown, Eide, Kohl-Welles, Haugen, Schmidt, Murray and McAuliffe

Concerning residency status of military dependents.

The bill was read the second time.

Representative McCoy moved the adoption of amendment (1041):

On page 4, at the end of line 8, insert the following:

"(6) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces."

Representative McCoy spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6164, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6164, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell,

Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SENATE BILL NO. 6164, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6177, By Senators Eide, Brandland and Winsley

Increasing penalties for criminal impersonation.

The bill was read the second time.

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

Representative O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6177.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6177 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SENATE BILL NO. 6177, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6180, By Senators Franklin, Eide, Prentice, Kline, Fraser, Hargrove, B. Sheldon, Kohl-Welles, Fairley, Kastama, Regala, McAuliffe, Keiser, Shin, Jacobsen, T. Sheldon, Spanel, Roach and Rasmussen

Prohibiting the use of genetic information in employment decisions.

The bill was read the second time.

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

Representatives Schual-Berke and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6180.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6180 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

ENGROSSED SENATE BILL NO. 6180, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6216, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Rasmussen, Swecker, Doumit and Hargrove)

Defining timber land to include certain incidental uses.

The bill was read the second time.

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

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6216.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6216 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SUBSTITUTE SENATE BILL NO. 6216, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6265, By Senate Committee on Land Use & Planning
(originally sponsored by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Sheahan,
Hale, Rasmussen and Murray)**

Improving the efficiency of the permitting process when multiple agencies are involved.

The bill was read the second time.

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

Representative Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6265.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6265 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Vloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SUBSTITUTE SENATE BILL NO. 6265, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6338, By Senators Johnson and Kline

Creating an affirmative defense from theft and possession of stolen merchandise pallets.

The bill was read the second time.

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

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6338.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6338 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

SENATE BILL NO. 6338, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6352, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Esser, Schmidt, Poulsen, Berkey, McAuliffe and Kohl-Welles)

Revising provisions concerning selection of telephone calling systems for offenders in state correctional facilities.

The bill was read the second time.

Representative Mielke moved the adoption of amendment (1081):

On page 2, line 20, after "option," insert "In no case shall the agreement for the new calling system result in the amount of funds transferred from the offender betterment account to the crime victims compensation program being below the amount transferred in the fiscal year beginning July 1, 2003."

Representative Mielke spoke in favor of the adoption of the amendment.

Representative O'Brien spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6352.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6352 and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Clements and DeBolt - 2.

Excused: Representatives Edwards, McMorris, Morris and Sullivan - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6352, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6384, By Senate Committee on Judiciary (originally sponsored by Senators Esser, Thibaudeau, Keiser, Regala, Eide, McCaslin, Rasmussen, Oke, Prentice, B. Sheldon, Kline, Murray, McAuliffe, Kohl-Welles and Roach)

Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Juvenile Justice & Family Law was adopted. (For committee amendment(s), see Journal, 46th Day, February 26, 2004.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Upthegrove spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6384, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6384, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE SENATE BILL NO. 6384, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6407, By Senators Shin, McAuliffe, Kohl-Welles and Carlson; by request of State Board of Education

Concerning school district superintendent credential preparation programs.

The bill was read the second time.

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

Representative Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6407.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6407 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SENATE BILL NO. 6407, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6417, By Senators Roach and Kastama; by request of Secretary of State

Incorporating the 2003 changes into Title 29A RCW.

The bill was read the second time.

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

Representatives Armstrong and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6417.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6417 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SENATE BILL NO. 6417, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6465, By Senators Swecker and Rasmussen

Extending the expiration date of the dairy inspection program assessment.

The bill was read the second time.

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

Representatives Rockefeller and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6465.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6465 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SENATE BILL NO. 6465, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6466, By Senate Committee on Health & Long-Term Care (originally sponsored by Senator Fairley)

Regarding the admission of residents to nursing facilities.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 46th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6466, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6466, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE SENATE BILL NO. 6466, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6478, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Brandland, Franklin, Deccio, Rasmussen, McCaslin, Murray, B. Sheldon, Parlette, Winsley and Regala; by request of Department of Health and Washington State Patrol)

Increasing the regulation of the sale of ephedrine, pseudoephedrine, and phenylpropanolamine.

The bill was read the second time.

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

Representatives O'Brien and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6478.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6478 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6478, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6485, By Senators Deccio and Winsley

Improving the regulatory environment for hospitals.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6485, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6485, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SENATE BILL NO. 6485, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6494, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Mulliken, Roach and Kline)

Preventing the use of complete social security numbers on health insurance cards.

The bill was read the second time.

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

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6494.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6494 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE SENATE BILL NO. 6494, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6518, By Senator McCaslin

Changing the general election ballot for the office of judge of the district court.

The bill was read the second time.

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

Representatives Armstrong and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6518.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6518 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SENATE BILL NO. 6518, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6584, By Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, McAuliffe, Honeyford and Eide)

Modifying liquor licensing provisions.

The bill was read the second time.

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

Representatives Woods and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6584.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6584 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative McMahan - 1.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE SENATE BILL NO. 6584, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6586, By Senators Honeyford and Prentice

Concerning electrical work on boilers.

The bill was read the second time.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6586.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6586 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SENATE BILL NO. 6586, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6649, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Keiser, Berkey and Winsley; by request of Department of Labor & Industries)

Retaining fees for mobile/manufactured homes and factory built housing and commercial structures.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 45th Day, February 25, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6649, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6649, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Bush, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Buck, Cairnes and Ericksen - 3.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE SENATE BILL NO. 6649, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6650, By Senators Keiser and Hewitt; by request of Department of Labor & Industries

Providing the department of labor and industries with the rule-making authority to address recommendations of the elevator safety advisory committee relating to the licensing of private residence conveyance work.

The bill was read the second time.

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

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6650.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6650 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SENATE BILL NO. 6650, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6731, By Senate Committee on Agriculture (originally sponsored by Senators Honeyford, Mulliken and Rasmussen)

Concerning standards and grades for fruits and vegetables.

The bill was read the second time.

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

Representatives Rockefeller, Schoesler and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6731.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6731 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6731, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE JOINT MEMORIAL NO. 8039, By Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Murray, Spanel, Rasmussen, Winsley, Benton, Regala, Sheahan, Eide, Deccio, McCaslin and Roach

Requesting relief for military installations in Washington State from the latest round of closures under the Base Realignment and Closure process.

The joint memorial was read the second time.

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

Representatives Haigh and Armstrong spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Joint Memorial No. 8039.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8039 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

ENGROSSED SENATE JOINT MEMORIAL NO. 8039, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8040, By Senators Shin, Jacobsen, Kastama, Thibaudeau, Berkey, Fraser, Doumit, Prentice, Horn, Kohl-Welles, Kline, Fairley, Oke, Stevens, Hale, Zarelli, T. Sheldon, B. Sheldon, Schmidt, McAuliffe, Keiser, Murray, Spanel, Brown, Eide, Rasmussen, Winsley and Benton

Requesting funding for veterans' health care needs.

The joint memorial was read the second time.

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

Representatives Haigh and Armstrong spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8040.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8040 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SENATE JOINT MEMORIAL NO. 8040, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE JOINT MEMORIAL NO. 8050, By Senators Sheahan and Rasmussen

Informing Congress of Washington's expertise in animal disease.

The joint memorial was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Joint Memorial No. 8050.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8050 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

ENGROSSED SENATE JOINT MEMORIAL NO. 8050, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., March 3, 2004, the 52nd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE

FIFTY FIRST DAY, MARCH 2, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 3, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jared Couch and Catherine Caputo. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rivy Kletenik, Jewish Education Council, Seattle.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4700, By Representatives Buck, Sump, Chandler, Murray, Condotta, Kenney, Clements, Miloscia, Linville, Erickson, Sullivan, Newhouse, Hatfield, Armstrong, Benson, Rockefeller, Cox, Woods, Orcutt, Pearson, Kristiansen, Lovick, Sommers, Delvin, Alexander, Roach, DeBolt, Cairnes, Anderson, Grant, Kessler, Santos, Upthegrove, Fromhold, D. Simpson, McIntire, Pettigrew, O'Brien, Lantz, Darneille, Hunt, G. Simpson, Ruderman, Dickerson, Flannigan, Cody, Hunter and Conway

WHEREAS, During William "Willy" Edward O'Neil Jr.'s life as a son, brother, friend, community activist, conservationist, hunter, fisherman, and professional colleague, he made countless contributions to the State; and

WHEREAS, Willy O'Neil served both the State of Washington and the world of mankind through his passion for the environment, for the conservation of natural resources, and for his beliefs in the integrity of life and the well-being of all individuals; and

WHEREAS, Willy O'Neil's legacy is one of unbridled enthusiasm to serve the State of Washington with an infectious spirit of optimism that touched us all; and

WHEREAS, Willy O'Neil made numerous remarkable contributions to the State of Washington; and

WHEREAS, As an advocate for the construction industry, Willy supported infrastructure improvements that would benefit the economic vitality of the state, move people safely and more efficiently, while at the same time seeking to improve environmental awareness and ecologically sound construction practices within the industry he served; and

WHEREAS, He tirelessly worked to inform the voters of the need for a Second Tacoma Narrows Bridge and is recognized as one of the most important influences in gaining final approval by the voters for the project; and

WHEREAS, As a believer in conservation practices, Willy was instrumental in developing the Nonresidential Energy Code and designing it to be more user-friendly, and as part of the implementation package for this new code, he put together a public/private partnership to assist both the building and enforcement communities; and

WHEREAS, He also worked within the construction industry to develop model soil erosion codes which were subsequently adopted by the State Building Code Council; and

WHEREAS, As an activist for the disabled, Willy involved himself in the development of building codes nationally and within Washington under the Americans with Disabilities Act working

vigorously with the disabled community to test, modify, and always improve accessibility standards for everyone in need, including accessibility to recreational, hunting, and fishing sites in federal, state, and local public grounds; and

WHEREAS, Willy spearheaded the effort to obtain certification from the United States Department of Justice of the Washington State Regulations for Barrier-Free Facilities and in 1995, under his energetic efforts, the Washington State Accessibility Code became the first Department of Justice certified building code in the United States, one of only a handful of codes to receive this certification to date; and

WHEREAS, As a devoted steward of the earth, Willy was an irrepressible advocate for the volunteer-led small-stream salmon recovery program known as the Regional Fisheries Enhancement Groups, was a major fund-raiser and manager of various projects supported by these groups, and diligently worked with legislators and multiple stakeholders to pass the Salmon Recovery Act which he believed would serve as the framework for the State's efforts to recover threatened and endangered salmon stocks; and

WHEREAS, As a hunter, sports fisherman, and avid sailor, Willy loved the outdoors and having traveled extensively, he always thought Washington State was the most pristine, adventuresome place to be; and

WHEREAS, He loved to hunt, always worked to promote the preservation of wildlife recreational centers, and as a fisherman, supported efforts to protect, recover, and enhance fish stocks of all kinds; and

WHEREAS, As a sail boat aficionado, Willy was a swashbuckler of a man who prayed for a strong wind at his back to sail the Puget Sound waters in a spirited competition of knowledge, skills, and abilities; and

WHEREAS, As a rules coordinator for the state, Willy championed citizen involvement in government, preached the importance of parliamentary procedures, and believed in full disclosure by government agencies of their practices to the people they served - the citizens of the State of Washington; and

WHEREAS, As a supporter of efficiencies in government, Willy painstakingly committed his time and energies to first, the creation, then, the implementation of the Transportation Permit Efficiency and Accountability Act, strove to optimize the limited resources available for transportation system improvements and environmental protection by working with diverse groups to establish common goals, minimize project delays, develop consistency in applying environmental standards, maximize environmental benefits through coordinated investment strategies, and by eliminating duplicative processes. His common sense approach and boundless energy in the bill's implementation led to his nickname - Mr. TPEAC; and

WHEREAS, As a musician, songwriter, and performer, Willy used his powerful voice and God-given talents in music to craft songs of hope, passion, love, and humor, permeating his singing with a central theme of social reform, with lyrics that were at the same time brilliant and naive, witty and funny, and moving and irreverent in a Dylanesque sort of way performing with passion, just as he lived his life; and

WHEREAS, As a respecter of heritage, Willy was proud of his Irish background, whose history gave him a profound sense of the many plights of human existence, and fought to remove prejudice of any kind from his life and the society he lived in, was befriended by members of the Tulalip Tribes as a youth, became an advocate for Native American causes such as Sovereignty, Treaty Rights and, most important, respect, and was a rare man of distinction who could live in many cultural communities; and

WHEREAS, As a man of faith, Willy, born into a Catholic family, devoutly pursued a life of caring for others, above himself, embraced the precepts of his church, the love of God and family, was never far from a fallen friend to assist in whatever way he could and always lit a candle for those in need, did not fear death, for he lived by God's promise of a glorious afterlife, and he will always be with us in spirit; and

WHEREAS, As a man of service, Willy O'Neil always put others first, changed the world by his actions and in so doing, changed our lives forever and will always be remembered as bright in personality, intellect, absolute optimism, and love of life, so we can now rejoice in the memory of our departed, but never forgotten friend, a bright shooting star streaking across our universe whose legacy of service remains as a living testimony to this great, wonderful, endearing "giant of a man," a friend-- Willy O'Neil;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the outstanding contributions William "Willy" Edward O'Neil Jr. made to the people of Washington state and honor him for his ongoing commitment to promote the betterment of mankind; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to William and Nina O'Neil, parents of William "Willy" Edward O'Neil Jr.

Representative Buck moved the adoption of the resolution.

Representatives Buck and Linville spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4700 was adopted.

SPEAKER'S PRIVILEGE

Mr. Speaker (Representative Lovick presiding): "The Speaker is pleased to have the members of Willy O'Neil's family in the back of the Gallery. Please join me in welcoming them."

HOUSE RESOLUTION NO. 2004-4705, By Representative Quall

WHEREAS, The Washington State Legislature is honored to recognize the outstanding work of Anacortes High School Principal Keith Rittel, who was recently named Washington's high school principal of the year; and

WHEREAS, This award honors high school principals who show a commitment to their staff and students, and create a cooperative work environment through outstanding leadership and character; and

WHEREAS, Keith Rittel has earned a master's degree in education and education administration at the University of Utah. He has served as principal at Anacortes High School for seven years, and as a school teacher or administrator for fifteen years; and

WHEREAS, Throughout his career, he has been a man of vision, dedicated to improving the quality of education and giving his students more opportunities to attend college; and

WHEREAS, Keith Rittel has successfully implemented a new schedule at Anacortes High School that has allowed students to better prepare for the WASL exam; and

WHEREAS, The 10th grade WASL scores in Anacortes have gone up substantially in math, reading, and writing because of the new schedule implemented by Rittel, which has been a model for other schools to follow; and

WHEREAS, We recognize that the principal of the year award is an excellent way to recognize the contributions of high school principals across the state and it also allows us to appreciate the positive leadership one can show as a high school principal; and

WHEREAS, Keith Rittel truly deserves this award and we wish to congratulate him for his efforts and fine example;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Keith Rittel for his commitment to students and high standards of education, his innovation in leadership, and his enthusiasm for teaching; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Keith Rittel and his family, Anacortes High School, the Anacortes School Board, and the Association of Washington Principals.

HOUSE RESOLUTION NO. 4705 was adopted.

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 6171, and the bill was placed on the second reading calendar.

MESSAGES FROM THE SENATE

March 2, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6665, with the following amendment: 6665-S AMS HEWI S5076.1, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 2, 2004

Mr. Speaker:

The Senate has passed the following bills:

ENGROSSED SENATE BILL NO. 6063,
SECOND SUBSTITUTE SENATE BILL NO. 6304,
SUBSTITUTE SENATE BILL NO. 6696,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 2, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6453,
SUBSTITUTE SENATE BILL NO. 6689,
ENGROSSED SENATE BILL NO. 6710,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 2, 2004

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2418,
HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2473,
SUBSTITUTE HOUSE BILL NO. 2507,
SUBSTITUTE HOUSE BILL NO. 3158,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

The Speaker assumed the chair.

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

SECOND READING

SENATE BILL NO. 5869, By Senators T. Sheldon, Winsley, Eide, Schmidt, Prentice and Kline

Authorizing nonprofit corporations to participate in self-insurance risk pools.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives G. Simpson and Newhouse spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Clements, Representative McMorris was excused. On motion of Representative Santos, Representatives Eickmeyer and Sullivan were excused.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5869, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5869, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, McMorris and Sullivan - 3.

SENATE BILL NO. 5869, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 4417, By Representatives Fromhold, Kagi, Benson, Morrell and Kenney

Establishing an early learning and child care legislative work group.

The concurrent resolution was read the second time.

With the consent of the House, amendments (1097) and (1096) were withdrawn

Representative Boldt moved the adoption of amendment (1098):

Strike everything after the enacting clause and insert the following:

"WHEREAS, The legislature finds that the early years of a child's life are critical to the child's healthy brain development and the quality of caregiving during those early years can significantly impact the child's intellectual and emotional growth and social adjustment; and

WHEREAS, The legislature further finds that early learning programs that are responsive to family economic necessities and changing workforce dynamics, yet also strive to preserve family stability and personal responsibility will best support families in preparing for and maintaining children's success in school and life; and

WHEREAS, It is therefore the purpose of this concurrent resolution to initiate a process to develop goals for early learning and child care programs throughout the state;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That:

(1) There is established an early learning legislative work group to make recommendations for developing specific goals for early learning programs in the state; and

(2) Members of the work group shall be appointed by the speaker of the house of representatives and the president of the senate. Membership of the work group shall consist of members of the house children and family services committee, education committee, and appropriations committee and the senate children and family services and corrections committee, education committee, and ways and means committee. Cochairs of the work group shall be appointed by the speaker of the house of representatives and the president of the senate; and

(3) The work group shall:

(a) Define legislative expectations and provide policy direction for quality early learning programs;

(b) Identify the most efficient ways to improve the administration and fiscal management of quality early learning programs in the state;

(c) Consider licensing requirements for preschools and kindergartens in the state; and

(d) Seek involvement from families, community groups, educators, and state agencies involved with early learning programs throughout the state; and

(4) The work group shall use legislative facilities and staff from the office of program research and senate committee services; and

BE IT FURTHER RESOLVED, That the work group shall report its recommendations to the legislature by January 10, 2005."

Representatives Boldt and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted. The concurrent resolution was ordered engrossed.

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

Representatives Fromhold, Talcott and Kagi spoke in favor of adoption of the concurrent resolution

COLLOQUY

Representative Kagi: "Is the intent of this House concurrent resolution to include child care and other forms of early care programs within the scope of study that the Early Learning Legislative Work Group created by this resolution shall examine?"

Representative Boldt: "Yes, it is. It is the intent of this House concurrent resolution to include a broad range of services and programs that contribute to a child's early learning. This broad range of services and programs includes but is not limited to: kindergarten and pre-kindergarten programs; center-based child care programs; family home-based child care programs, and before- and after-school early care programs."

The Speaker stated the question before the House to be the adoption of Engrossed House Concurrent Resolution No. 4417.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4417 was adopted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5665, By Senate Committee on Agriculture (originally sponsored by Senators Rasmussen and Swecker)

Changing irrigation district administration provisions.

The bill was read the second time.

Representative Linville moved the adoption of amendment (1086):

On page 1, line 11, after "involving" strike "the exercise ~~((of))~~ or failure to exercise judgment and discretion" and insert "~~((the exercise of judgment and discretion))~~ any discretionary decision or failure to make a discretionary decision"

On page 1, line 13, after "facilities," insert "potable water facilities,"

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Rockefeller and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5665, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5665, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, McMorris and Sullivan - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5665, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6225, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Keiser, Parlette, Winsley and Rasmussen)

Concerning boarding home domiciliary services.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

Representative Cody moved the adoption of amendment (1090) to the committee amendment:

On page 2, line 23 of the amendment, after "following:" strike "General" and insert "Prescribed general"

On page 2, at the beginning of line 24 of the amendment, after "diets:" insert "prescribed"

On page 2, line 24 of the amendment, after "general diabetic diets:" insert "prescribed"

Representatives Cody and Bailey spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Cody moved the adoption of amendment (1091) to the committee amendment:

On page 3, line 18 of the amendment, after "facility" insert "and may not receive the items and services listed in subsection (8) of this section"

On page 3, line 23 of the amendment, after "receives" insert "basic services and"

On page 4, line 16 of the amendment, after "provides" insert "due to circumstances beyond the licensee's control"

On page 5, line 20 of the amendment, after "provide" insert "at least"

On page 5, line 21 of the amendment, after "assistance" insert "for all activities of daily living"

Beginning on page 5, line 35 of the amendment, after "assistance" strike all material through "assistance" on page 6, line 2

Representatives Cody and Bailey spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Cody moved the adoption of amendment (1092) to the committee amendment:

On page 12, line 12, after "chapter 70.129 RCW." insert "The boarding home licensee may permit the resident, or the resident's legal representative if any, to independently arrange for other persons to provide on-site care and services to the resident."

Representative Cody spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6225, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6225, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt,

Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, McMorris and Sullivan - 3.

SUBSTITUTE SENATE BILL NO. 6225, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6269, By Senators Hale, Doumit, Hewitt and Brandland

Concerning the relocation of harbor lines.

The bill was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6269.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6269 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, McMorris and Sullivan - 3.

SENATE BILL NO. 6269, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6286, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Morton)

Modifying provisions of the heating oil pollution liability protection act.

The bill was read the second time.

Representative Morris moved the adoption of amendment (1089):

On page 4, beginning on line 20, insert the following:

"Sec. 4. RCW 82.23A.010 and 1989 c 383 s 15 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, ~~((liquefied or liquefiable gases such as butane, ethane, and propane,))~~ and every other product derived from the refining of crude oil, but the term does not include crude oil or liquefiable gases.

(2) "Possession" means the control of a petroleum product located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a petroleum product or to authorize the sale or use by another.

(3) "Previously taxed petroleum product" means a petroleum product in respect to which a tax has been paid under this chapter and that has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(4) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar products of like quality and character, in accordance with rules of the department.

(5) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter."

Renumber the remaining sections consecutively. Correct the title.

Representative Morris spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cooper and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6286, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6286, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Eickmeyer, McMorris and Sullivan - 3.

SUBSTITUTE SENATE BILL NO. 6286, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6314, By Senators T. Sheldon, Hale, Kohl-Welles, Swecker, Eide, Thibaudeau, Finkbeiner, Brown, B. Sheldon, Shin, Franklin, Regala, Keiser, Doumit, Prentice, McAuliffe, Fraser, Kline, Winsley, Mulliken and Rasmussen

Expanding membership on the community economic revitalization board.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Trade and Economic Development was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

With the consent of the House, amendment (1082) was withdrawn.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Veloria, Skinner, D. Simpson, Ormsby, McCoy and Santos spoke in favor of passage of the bill.

Representatives Chandler, Schoesler and Newhouse spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6314, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6314, as amended by the House, and the bill passed the House by the following vote: Yeas - 54, Nays - 42, Absent - 0, Excused - 2.

Voting yea: Representatives Blake, Cairnes, Carrell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Campbell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Rodne, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, Tom and Woods - 42.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6314, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6480, By Senators Hewitt, Deccio, Hale, Doumit, Rasmussen, Honeyford and Mulliken

Increasing the number of days certain fairs can use the special occasion liquor license.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 45th Day, February 25, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6480, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6480, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6480, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6493, By Senators Horn, Kastama, Roach, Haugen and Esser

Changing provisions relating to responsibility for costs of elections.

The bill was read the second time.

Representative Buck moved the adoption of amendment (1088):

On page 2, after line 16, insert the following:

"Sec. 2. RCW 35A.06.050 and 1994 c 223 s 29 are each amended to read as follows:

The proposal for abandonment of a plan of government as authorized in RCW 35A.06.030 and for adoption of the plan named in the resolution or petition shall be voted upon at the next general ((municipal)) election ((if one is to be held within one hundred and eighty days or otherwise at a special election called for that purpose)) in accordance with RCW ((29.13.020)) 29A.04.330. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in RCW 29.27.060 and 35A.29.120."

Renumber the remaining section consecutively and correct the title.

Representatives Buck and Kessler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6493, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6493, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6493, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6615, By Senate Committee on Commerce & Trade (originally sponsored by Senators Honeyford, Mulliken, Rasmussen and Prentice)

Encouraging employment of workers with developmental disabilities.

The bill was read the second time.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6615.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6615 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6615, having received the necessary constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 8419, By Senators Franklin, Deccio, Thibaudeau, Keiser, T. Sheldon, McAuliffe and Kohl-Welles

Creating a joint select committee on health disparities.

The concurrent resolution was read the second time.

Representative Bailey moved the adoption of amendment (1099):

On page 1, line 2, after "among" insert "women and"

On page 1, after line 8, insert the following: "WHEREAS, Women may express signs and symptoms of diseases, including heart disease, differently than men, and until recently, little attention has been given to the detection, treatment, and prevention of diseases specifically related to the unique needs and experiences of women; and"

On page 1, line 20, after "disparities" insert "among women and"

On page 2, line 11, after "disparities" insert "among women and"

On page 2, line 15, after "status of" insert "women and"

On page 2, line 16, after "barriers to" insert "gender-appropriate and"

On page 2, line 18, after "number of" insert "female and"

On page 2, line 22, after "enumerate the" insert "gender,"

On page 2, line 26, after "on" insert "women and"

Representative Bailey and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Benson moved the adoption of amendment (1087):

On page 2, line 20, strike all material beginning with "the entire" through "serve" on line 21 and insert "consumers have more choice among health care providers"

On page 2, line 22, after "ways to" strike "enumerate" and insert "encourage review of"

Representatives Benson and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

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

Representatives Cody, Benson and Bailey spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8418, as amended by the House.

SENATE CONCURRENT RESOLUTION NO. 8419, as amended by the House, was adopted.

SUBSTITUTE SENATE BILL NO. 5168, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senator Hargrove)

Authorizing reduction of interest on legal financial obligations.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5168, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5168, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 5168, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE JOINT RESOLUTION NO. 8208, By Senator Morton

Amending the Constitution to allow multiyear excess property tax levies for cemetery districts.

The joint resolution was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the joint resolution, as amended by the House, was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the joint resolution.

The Speaker stated the question before the House to be the final passage of Senate Joint Resolution No. 8208, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8208, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta,

Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Anderson and McMahan - 2.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE JOINT RESOLUTION NO. 8208, as amended by the House, having received the necessary two thirds constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5232, By Senator Morton

Authorizing multiyear excess property tax levies for cemetery districts.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5232, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5232, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Anderson and McMahan - 2.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SENATE BILL NO. 5232, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5590, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Fraser, Honeyford, Hewitt, Doumit and Regala; by request of Environmental Hearings Office)

Determining the appeals period for certain environmental appeals.

The bill was read the second time.

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

Representative Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5590 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative McMahan - 1.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 5590, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5590.

LOIS MCMAHAN, 26th District

SUBSTITUTE SENATE BILL NO. 5733, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles)

Improving fairness and protection in boarding homes and adult family homes.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5733, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5733, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 5733, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5793, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley and Prentice)

Changing on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities.

The bill was read the second time.

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

Representatives Schual-Berke, Benson and Mastin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5793.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5793 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5793, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6121, By Senators Johnson, Kline, McCaslin, Esser and Winsley

Filing a will under seal before the testator's death.

The bill was read the second time.

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

Representatives Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6121.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6121 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6121, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6123, By Senators Carlson, Keiser, Winsley and Spanel; by request of State Board of Accountancy

Modifying the public accountancy act.

The bill was read the second time.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6123.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6123 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6123, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6155, By Senate Committee on Agriculture (originally sponsored by Senators Parlette, Hewitt and Mulliken)

Preventing the spread of horticultural pests and diseases.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Fisheries, Ecology & Parks was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Condotta and Cooper spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6155, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6155, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Rockefeller and Upthegrove - 2.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6155, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6208, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama and McCaslin)

Regarding temporary water-sewer connections.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

With the consent of the House, amendment (1102) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6208, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6208, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6208, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6210, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Winsley, Thibaudeau and Deccio)

Modifying medical information exchange and disclosure provisions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6210, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6210, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards,

Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6210, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6213, By Senators Hargrove, Stevens and Winsley

Making technical, clarifying, and nonsubstantive changes to mental health advance directive provisions.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6213.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6213 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6213, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

SUBSTITUTE SENATE BILL NO. 6245, By Senate Committee on Education (originally sponsored by Senators Zarelli, Regala, Winsley and Rasmussen)

Relating to residency teacher certification partnership programs.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6245, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6245, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6245, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6249, By Senators Fraser, Winsley, Pflug, Regala and Carlson; by request of Select Committee on Pension Policy

Establishing an asset smoothing corridor for actuarial valuations used in the funding of the state retirement systems.

The bill was read the second time.

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

Representatives Conway and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6249.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6249 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott,

McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Anderson and Edwards - 2.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6249, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6254, By Senators Regala, Winsley, Fraser, Carlson, Keiser, Roach, Franklin, Rasmussen and Haugen; by request of Select Committee on Pension Policy

Providing death benefits for members of the Washington state patrol retirement system plan 2.

The bill was read the second time.

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

Representatives Conway and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6254.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6254 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6254, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6255, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Brandland, Kline, McCaslin, Regala, Winsley, Roach, Kohl-Welles, Rasmussen and Parlette)

Studying criminal background check processes.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was before the House for purpose of amendment. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

Representative O'Brien moved the adoption of amendment (1106) to the committee amendment:

Beginning on page 1, after line 22 of the amendment, strike all material through "committee;" on page 2, line 2 and insert the following:

"(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;"

Representative O'Brien spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6255, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6255, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6255, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SENATE BILL NO. 6259, By Senators Schmidt, Poulsen, Esser, Prentice and Eide

Extending the restriction on local government taxation of internet services.

The bill was read the second time.

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

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6259.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6259 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6259, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6270, By Senate Committee on Judiciary (originally sponsored by Senators Esser, Haugen, Sheahan and Kline)

Revising provisions relating to attorneys' liens.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

Representative McMahan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6270.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6270 and the bill passed the House by the following vote: Yeas - 87, Nays - 9, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-

Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 87.

Voting nay: Representatives Boldt, Chandler, Clements, DeBolt, Delvin, Hankins, Holmquist, McMahan and Woods - 9.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6270, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274, By Senate Committee on Ways & Means (originally sponsored by Senators Regala, Stevens, Hargrove and Kline)

Changing provisions relating to competency restoration.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 47th Day, February, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sump, Carrell and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6274, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6274, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6329, By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senator Oke)

Extending the date for implementation of ballast water discharge requirements.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Fisheries, Ecology & Parks was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sump and Upthegrove spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6329, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6329, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6329, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6341, By Senate Committee on Commerce & Trade (originally sponsored by Senator Oke)

Concerning the licensing of cosmetologists and others under chapter 18.16 RCW.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6341, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6341, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Nixon - 1.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6341, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6356, By Senators Honeyford and Rasmussen

Modifying physician assistant provisions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6356, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6356, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6356, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6377, By Senate Committee on Commerce & Trade (originally sponsored by Senator Honeyford)

Revising provisions relating to renewal of transient accommodation licenses.

The bill was read the second time.

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

Representatives Wood and Condotta spoke in favor of passage of the bill.

Representative Hudgins spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6377.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6377 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Edwards, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Dunshee, Flannigan, Hudgins and Hunter - 4.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6377, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6378, By Senators Esser, Haugen, McCaslin, Prentice, Hale, B. Sheldon and Keiser

Prohibiting unauthorized recording of motion pictures.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6378, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6378, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6378, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6389, By Senate Committee on Judiciary (originally sponsored by Senators Brandland, Haugen, Esser, Rasmussen, Kline, Murray and Kohl-Welles)

Prohibiting weapons in restricted access areas of commercial service airports.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lovick and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6389, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6389, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6389, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6401, By Senate Committee on Land Use & Planning (originally sponsored by Senators Rasmussen, Roach, Kastama, Franklin, Doumit, Shin, Schmidt, Oke, Haugen and Murray)

Protecting military installations from encroachment of incompatible land uses.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

Representative Schindler moved the adoption of amendment (1094) to the committee amendment:

On page 3, after line 8, insert the following:

"(6) The legislature intends that if a city or county amends its comprehensive plan or development regulations to prohibit development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements, the city or county will not downzone or otherwise reduce the scope or intensity of allowed land uses without compensating the landowner for any property value decline associated with such a reduction."

Representative Schindler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Romero spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted. The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Romero, Bush, D. Simpson and Bailey spoke in favor of passage of the bill.

Representative Jarrett spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6401, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6401, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives DeBolt, Jarrett, Mastin, Schual-Berke and Upthegrove - 5.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6401, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6428, By Senate Committee on Commerce & Trade
(originally sponsored by Senator Honeyford)**

Concerning industrial insurance health care providers.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6428, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6428, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6428, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6472, By Senate Committee on
Children & Family Services & Corrections (originally sponsored by Senators Hargrove,
McAuliffe, Esser, Regala, Stevens and Kohl-Welles; by request of Department of Community,
Trade, and Economic Development)**

Revising provisions relating to victims of crime.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Juvenile Justice & Family Law was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson and McMahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6472, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6472, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6472, as amended by the House, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 2418, HOUSE BILL NO. 2419, SUBSTITUTE HOUSE BILL NO. 2462, HOUSE BILL NO. 2473, SUBSTITUTE HOUSE BILL NO. 2507, SUBSTITUTE HOUSE BILL NO. 3158,

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

INTRODUCTION & FIRST READING

2SSB 6304 by Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Parlette, Spanel, Morton, Doumit, T. Sheldon and Rasmussen)

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.240, 82.04.270, 82.04.280, 82.04.440, and 82.12.022; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

ESSB 6665 by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt, Mulliken, Honeyford, Hale, Parlette, Rasmussen and Sheahan)

AN ACT Relating to the excise taxation of fruit and vegetable processing and storage; amending RCW 82.08.820 and 82.12.820; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

SSB 6696 by Senate Committee on Ways & Means (originally sponsored by Senators McCaslin, Fraser, B. Sheldon, Kline, Berkey and Rasmussen)

AN ACT Relating to tax deductions and exemptions for postage costs; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

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

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6105, By Senate Committee on Judiciary (originally sponsored by Senator McCaslin)

Revising penalties for animal cruelty.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Juvenile Justice & Family Law was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6105, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6105, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6105, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6113, By Senate Committee on Economic Development (originally sponsored by Senators T. Sheldon, Swecker, Haugen, Zarelli, Rasmussen and Benton)

Modifying the rural county sales and use tax.

The bill was read the second time.

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

Representatives Veloria and Skinner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6113.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6113 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6113, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6158, By Senators Prentice, Benton and Winsley

Changing the scope of the Washington insurance guarantee association act. (REVISED FOR ENGROSSED: Creating the longshore and harbor workers' compensation act insurance guarantee committee.)

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schual-Berke and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6158, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6158, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SENATE BILL NO. 6158, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6476, By Senators Mulliken and T. Sheldon

Designating manufactured housing communities as nonconforming uses.

The bill was read the second time.

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

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6476.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6476 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6476, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6488, By Senators Mulliken and Parlette

Ordering a study of the designation of agricultural lands in three counties.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Romero, Schindler, Clements and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6488, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6488, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6488, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6527, By Senate Committee on Judiciary (originally sponsored by Senators Johnson, Berkey, Esser and Sheahan)

Increasing the statutory rate for attorney fees.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6527.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6527 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6527, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6534, By Senate Committee on Land Use & Planning (originally sponsored by Senators Hargrove and Mulliken)

Designating processes and siting of industrial land banks.

The bill was read the second time.

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

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6534.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6534 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6534, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6554, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Parlette, Keiser, Winsley and Thibaudeau; by request of Department of Health)

Eliminating credentialing barriers for health professions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6554, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6554, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6554, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6561, By Senators Carlson, McAuliffe and Kohl-Welles

Strengthening linkages between K-12 and higher education systems.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6561, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6561, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6561, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6568, By Senate Committee on Higher Education (originally sponsored by Senators Fraser, Winsley, Kline, Kohl-Welles, Jacobsen, B. Sheldon, Spanel, Keiser, Franklin and Thibaudeau)

Directing the institute for public policy to develop a proposal for establishing a Washington state women's history center or information network.

The bill was read the second time.

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

Representatives Kenney, Cox and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6568.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6568 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Bush - 1.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6568, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6593, By Senators Prentice, Carlson, Keiser, T. Sheldon and Winsley

Prohibiting discrimination against consumers' choices in housing.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was not adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

Representative Romero moved the adoption of amendment (1104):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that: Congress has preempted the regulation by the states of manufactured housing construction standards through adoption of construction standards for manufactured housing (42 U.S.C. Sec. 5401-5403); and this federal regulation is equivalent to the state's uniform

building code. The legislature also finds that congress has declared that: (1) Manufactured housing plays a vital role in meeting the housing needs of the nation; and (2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans (42 U.S.C. Sec. 5401-5403). The legislature intends to protect the consumers' rights to choose among a number of housing construction alternatives without restraint of trade or discrimination by local governments.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated for the purposes of siting in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any city or town may require that (a) a manufactured home be a new manufactured home; (b) the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative; (c) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located; (d) the home is thermally equivalent to the state energy code; and (e) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. A city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits, including department of labor and industries permits issued under chapter 43.22 RCW in accordance with an interlocal agreement under chapter 39.34 RCW, for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

(2) This section does not override any legally recorded covenants or deed restrictions of record.

(3) This section does not affect the authority granted under chapter 43.22 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.21 RCW to read as follows:

(1) A code city may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated for the purposes of siting in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any code city may require that (a) a manufactured home be a new manufactured home; (b) the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative; (c) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located; (d) the home is thermally equivalent to the state energy code; and (e) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160. A code city with a population of one hundred thirty-five thousand or more may choose to designate its building official as the person responsible for issuing all permits, including department of labor and industries permits issued under chapter 43.22 RCW in accordance with an interlocal agreement under chapter 39.34 RCW, for alterations, remodeling, or expansion of manufactured housing located within the city limits under this section.

(2) This section does not override any legally recorded covenants or deed restrictions of record.

(3) This section does not affect the authority granted under chapter 43.22 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated for the purposes of siting in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, any county may require that (a) a manufactured home be a new manufactured home; (b) the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative; (c) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located; (d) the home is thermally equivalent to the state energy code; and (e) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

(2) This section does not override any legally recorded covenants or deed restrictions of record.

(3) This section does not affect the authority granted under chapter 43.22 RCW.

Sec. 5. RCW 35.63.160 and 1988 c 239 s 1 are each amended to read as follows:

(1) ~~((Each comprehensive plan which does not allow for the siting of manufactured homes on individual lots shall be subject to a review by the city of the need and demand for such homes. The review shall be completed by December 31, 1990.~~

~~(2) For the purpose of providing an optional reference for cities which choose to allow manufactured homes on individual lots,))~~ A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

(a) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

(b) Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of ~~((not less than))~~ nominal 3:12 pitch; and

(c) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

(2) "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

(3) Nothing in this section precludes cities from allowing any manufactured home from being sited on individual lots through local standards which differ from the designated manufactured home or new manufactured home as described in this section, except that the term "designated manufactured home" and "new manufactured home" shall not be used except as defined in subsections (1) and (2) of this section.

NEW SECTION. Sec. 6. This act takes effect July 1, 2005."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 35.63.160; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; creating a new section; and providing an effective date."

Representative Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6593, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6593, as amended by the House, and the bill passed the House by the following vote: Yeas - 85, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Blake, Boldt, Buck, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Armstrong, Benson, Bush, Campbell, Condotta, Ericksen, Hinkle, Holmquist, Kirby, Talcott and Tom - 11.

Excused: Representatives Eickmeyer and Sullivan - 2.

SENATE BILL NO. 6593, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 6593.

DONALD COX, 9th District

ENGROSSED SENATE BILL NO. 6598, By Senators Esser, Schmidt, Mulliken, Rasmussen, Parlette and Stevens

Regulating the provision of wholesale telecommunications services by public utility districts.

The bill was read the second time.

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

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6598.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6598 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SENATE BILL NO. 6598, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6600, By Senate Committee on Judiciary (originally sponsored by Senators Brandland, T. Sheldon, Hale, Stevens and Murray)

Revising construction liability provisions.

The bill was read the second time.

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

Representative Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6600.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6600 and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Wallace, Woods and Mr. Speaker - 83.

Voting nay: Representatives Blake, Chase, Conway, Cooper, Dickerson, Hatfield, Kirby, McDermott, Ormsby, Ruderman, G. Simpson, Voloria and Wood - 13.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6600, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6641, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators B. Sheldon, Oke, Spanel, Carlson, Fraser, Shin, Regala, Winsley, Kohl-Welles, Poulsen, Kline, Fairley, Jacobsen, Prentice, Haugen, Berkey, Brown, McAuliffe, Franklin, Rasmussen and Keiser)

Reducing the risk of oil spills and spill damage.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Fisheries, Ecology & Parks was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

Representative Cooper moved the adoption of amendment (1107):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes the importance of prevention in obtaining the goal of zero oil spills to waters of the state. The legislature also recognizes that the regulation of oil and fuel transfers on or near waters of the state vary depending on many factors including the type of facility or equipment that is used, the type of products being transferred, where the transfer takes place, and the type of vessels involved in the transfer. The legislature therefore finds that the department of ecology shall initiate a review of the current statewide marine fueling practices for covered vessels and ships as those terms are defined in RCW 88.46.010.

(2) The department of ecology shall work with stakeholders to develop a report describing:

(a) The types of fueling practices being employed by covered vessels and ships;

(b) The current spill prevention planning requirements that are applicable under state and federal law for covered vessels and ships; and

(c) The current spill response requirements under state and federal law for covered vessels and ships.

(3) The department of ecology shall report recommendations for regulatory improvements for covered vessel and ship fueling. These recommendations must include any new authorities that the department of ecology believes are necessary to establish a protective regulatory system for the fueling of covered vessels and ships. The department of ecology shall consider any applicable federal requirements and the state's desire to not duplicate federal vessel fueling laws. The department of ecology shall also provide recommendations for funding to implement recommendations.

(4) The department of ecology shall deliver the report with its recommendations and findings to the appropriate committees of the legislature by December 15, 2004.

Sec. 2. RCW 90.56.005 and 1991 c 200 s 101 are each amended to read as follows:

(1) The legislature declares that the increasing reliance on water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Each year billions of

gallons of crude oil and refined petroleum products are transported by vessel on the navigable waters of the state. These shipments are expected to increase in the coming years. Vessels transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to ~~((assure))~~ ensure the citizens of the state that the waters of the state will be protected from oil spills.

(2) The legislature finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is in the early stages of development. Preventing spills is more protective of the environment and more cost-effective when all the costs associated with responding to a spill are considered. Therefore, the legislature finds that the primary objective of the state is to adopt a zero spills strategy to prevent any oil or hazardous substances from entering waters of the state.

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill; and

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for an independent oversight board to review the adequacy of spill prevention and response activities in this state; and

(h) To provide an adequate funding source for state response and prevention programs.

Sec. 3. RCW 88.46.160 and 2000 c 69 s 12 are each amended to read as follows:

Any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, and any person or facility transferring oil between an onshore or offshore facility and a tank vessel shall have containment and recovery equipment readily available for deployment in the event of the discharge of oil into the waters of the state and shall deploy the containment and recovery equipment in accordance with standards adopted by the department. All persons conducting refueling, bunkering, or lightering operations, or oil transfer operations shall be trained in the use and deployment of oil spill containment and recovery equipment. The department shall adopt rules as necessary to carry out the provisions of this section by June 30, 2006. The rules shall include standards for the circumstances under which containment equipment should be deployed including standards requiring deployment of containment equipment prior to the transfer of oil when determined to be safe and effective by the department. The department may require a person or facility to employ alternative measures including but not limited to automatic shutoff devices and alarms, extra personnel to monitor the transfer, or containment equipment that is deployed quickly and effectively. The standards adopted by rule must be suitable to the specific environmental and operational conditions and characteristics of the facilities that are subject to the standards, and the department must consult with the United States coast guard with the objective of developing state standards that are compatible with federal requirements applicable to the activities covered by this section. An onshore or offshore facility shall include the procedures used to contain and recover discharges in the facility's contingency plan. It is the responsibility of the person providing bunkering, refueling, or lightering services to provide any containment or recovery equipment required under this section. This section does not apply to a person operating a ship for personal pleasure or for recreational purposes.

Sec. 4. RCW 90.56.060 and 2000 c 69 s 16 are each amended to read as follows:

(1) The department shall prepare and annually update a statewide master oil and hazardous substance spill prevention and contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including the United States coast guard, the federal environmental protection agency, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill prevention and contingency plans approved or submitted for approval pursuant to this chapter and chapter 88.46 RCW and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a worst case spill of oil or hazardous substances into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of spills of oil and hazardous substances;

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills; ~~(and)~~

(f) Establish an incident command system for responding to oil and hazardous substances spills; and

(g) Establish a process for immediately notifying affected tribes of any oil spill.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, provincial, municipal, and community officials, other state agencies, the state of Oregon, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1st of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by RCW 90.56.260 to test the sufficiency of oil spill contingency plans approved under RCW 90.56.210.

Sec. 5. RCW 90.56.200 and 2000 c 69 s 19 are each amended to read as follows:

(1) The owner or operator for each onshore and offshore facility and any state agency conducting ship refueling or bunkering of more than one million gallons of oil on the waters of the state during any calendar year shall prepare and submit to the department an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the department in the time and manner directed by the department. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to RCW 90.56.210. The department may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The department, by rule, shall establish standards for spill prevention plans.

(2) The spill prevention plan for an onshore or offshore facility and state agencies identified under subsection (1) of this section shall:

(a) Establish compliance with the federal oil pollution act of 1990, if applicable, and financial responsibility requirements under federal and state law;

(b) Certify that supervisory and other key personnel in charge of transfer, storage, and handling of oil have received certification pursuant to RCW 90.56.220;

(c) Certify that the facility has an operations manual required by RCW 90.56.230;

(d) Certify the implementation of alcohol and drug use awareness programs;

(e) Describe the facility's maintenance and inspection program and contain a current maintenance and inspection record of the storage and transfer facilities and related equipment;

(f) Describe the facility's alcohol and drug treatment programs;

(g) Describe spill prevention technology that has been installed, including overflow alarms, automatic overflow cut-off switches, secondary containment facilities, and storm water retention, treatment, and discharge systems;

(h) Describe any discharges of oil to the land or the water of more than twenty-five barrels in the prior five years and the measures taken to prevent a reoccurrence;

(i) Describe the procedures followed by the facility to contain and recover any oil that spills during the transfer of oil to or from the facility;

(j) Provide for the incorporation into the facility during the period covered by the plan of those measures that will provide the best achievable protection for the public health and the environment; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the department.

(3) The department shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of the state and if it determines that the plan meets the requirements of this section and rules adopted by the department.

(4) Upon approval of a prevention plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities covered by the plan, and other information the department determines should be included.

(5) The approval of a prevention plan shall be valid for five years. An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a prevention plan as a result of these changes.

(6) The department by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(7) Approval of a prevention plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

(8) This section does not authorize the department to modify the terms of a collective bargaining agreement.

Sec. 6. RCW 90.56.210 and 2000 c 69 s 20 are each amended to read as follows:

(1) Each onshore and offshore facility and any state agency conducting ship refueling or bunkering of more than one million gallons of oil on the waters of the state during any calendar year shall have a contingency plan for the containment and cleanup of oil spills from the facility into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills. The department shall by rule adopt and periodically revise standards for the preparation of contingency plans. The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, shellfish beds, environmentally and archaeologically sensitive areas, and public facilities. The departments of ecology, fish and wildlife, and natural resources, and the office of archaeology and historic preservation, upon request, shall provide information that they have available to assist in preparing this description. The description of archaeologically sensitive areas shall not be required to be included in a contingency plan until it is reviewed and updated pursuant to subsection (9) of this section;

(h) State the means of protecting and mitigating effects on the environment, including fish, shellfish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(i) Provide arrangements for the prepositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) Until a spill prevention plan has been submitted pursuant to RCW 90.56.200, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) The following shall submit contingency plans to the department within six months after the department adopts rules establishing standards for contingency plans under subsection (1) of this section:

- (i) Onshore facilities capable of storing one million gallons or more of oil; and
- (ii) Offshore facilities.

(b) Contingency plans for all other onshore and offshore facilities shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

(3)(a) The owner or operator of a facility shall submit the contingency plan for the facility.

(b) A person who has contracted with a facility to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.56.240, may submit the plan for any facility for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility.

(4) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall (~~assure~~) ensure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil within the area covered by the plan;

(f) The sensitivity of fisheries, shellfish beds, and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

(7) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

(8) An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

(9) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(10) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 7. If specific funding for the purposes of sections 5 and 6 of this act, referencing sections 5 and 6 of this act by bill or chapter or section number, is not provided by June 30, 2004, in the omnibus transportation appropriations act, sections 5 and 6 of this act are null and void."

On page 1, beginning on line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 90.56.005, 88.46.160, 90.56.060, 90.56.200, and 90.56.210; and creating new sections."

Representatives Cooper, Woods and Rockefeller spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cooper spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6641, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6641, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6641, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6481, By Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, Jacobsen, Deccio, Rasmussen and Honeyford)

Governing class 1 racing associations' authority to participate in parimutuel wagering.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was before the House for purpose of amendment. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

Representative Conway moved the adoption of amendment (1111) to the committee amendment:

On page 1, beginning on line 13 of the amendment, strike all of subsection (2) and insert the following:

"(2) An entity authorized to conduct advance deposit wagering under subsection (1) of this section:

(a) May accept advance deposit wagering for races conducted in this state under a class 1 license or races not conducted within this state on a schedule approved by the class 1 licensee. A system of advance deposit wagering located outside or within this state may not accept wagers from residents or other individuals located within this state, and residents or other individuals located within this state are prohibited from placing wagers through advance deposit wagering systems, except with an entity authorized to conduct advance deposit wagering under subsection (1) of this section;

(b) May not accept an account wager in an amount in excess of the funds on deposit in the advance deposit wagering account of the individual placing the wager;

(c) May not allow individuals under the age of twenty-one to open, own, or have access to an advance deposit wagering account;

(d) Must include a statement in all forms of advertising for advance deposit wagering that individuals under the age of twenty-one are not allowed to open, own, or have access to an advance deposit wagering account; and

(e) Must verify the identification, residence, and age of the advance deposit wagering account holder using methods and technologies approved by the commission."

Representatives Conway, Condotta, Clements and Wood spoke in favor of the adoption of the amendment to the committee amendment.

Representative Morris spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

POINT OF PARLIAMENTARY INQUIRY

Representative Bush: "Thank you, Mr. Speaker. As I look at this bill, Mr. Speaker, I am wondering if the Speaker sees this proposal as an expansion of gambling requiring a sixty-percent vote?"

SPEAKER'S RULING

Mr. Speaker: "Both Article II, Section 24 of the Washington State Constitution and House precedent require that a sixty-percent majority vote is necessary to expand incidences of gambling permitted by Washington law. Section 2 of the bill removes two significant restrictions on wagering on imported simulcast racing. First, the measure removes the restriction limiting such wagering to only fourteen hours per day; and second, the measure removes the limitation restricting such simulcasts to essentially one per day. Effectively, this expands the incidences of such wagering allowed and therefore constitutes an expansion of gambling requiring a sixty percent vote of this body on final passage in order to be enacted. In so ruling, the Speaker does not reach the question whether other portions of the measure do or do not constitute an expansion of gambling requiring a sixty-percent vote for passage"

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway, Condotta, Quall, Wood, Chandler, Kenney, Clements, Morris, Cody and Conway (again) spoke in favor of passage of the bill.

Representative Bush spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6481, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6481, as amended by the House, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Boldt, Buck, Cairnes, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Murray, Newhouse, Nixon, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Benson, Blake, Bush, Carrell, Cooper, Cox, Darneille, Kagi, Kristiansen, Lantz, McMahan, Moeller, Morrell, O'Brien, Schindler, Talcott and Wallace - 17.
Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6481, as amended by the House, having received the necessary necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Prentice, Eide, Haugen, Winsley, Kohl-Welles and Kline)

Notifying home buyers of where information regarding registered sex offenders may be obtained.

The bill was read the second time.

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

Representatives G. Simpson, Benson and Tom spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6153.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6153 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6419, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, McAuliffe, Oke and Winsley; by request of Secretary of State)

Implementing the Help America Vote Act.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6419, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6419, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Eickmeyer and Sullivan - 2.

SUBSTITUTE SENATE BILL NO. 6419, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6454, By Senate Committee on Education (originally sponsored by Senators McAuliffe, Roach, Fairley, Eide, Regala, Winsley, Prentice, Shin, Kline, Thibaudeau, Johnson, Franklin, Keiser, Rasmussen, Zarelli, Jacobsen and B. Sheldon)

Regarding the use of portable or cellular phones or paging telecommunications devices by students.

The bill was read the second time.

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

Representatives Quall, Talcott, Dunshee, Nixon and Santos spoke in favor of passage of the bill.

Representatives Cox, Buck, Morris, DeBolt, Clements, McMahan, Carrell, Armstrong and Schoesler spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6454.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6454 and the bill failed the House by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 2.

Voting yea: Representatives Chase, Clibborn, Cody, Conway, Cooper, Dickerson, Dunshee, Edwards, Flannigan, Haigh, Hudgins, Hunt, Hunter, Kenney, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Talcott, Upthegrove, Voloria, Wood, and Mr. Speaker - 40.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse,

Darneille, DeBolt, Delvin, Ericksen, Fromhold, Grant, Hankins, Hatfield, Hinkle, Holmquist, Jarrett, Kagi, Kessler, Kristiansen, Linville, Mastin, McDonald, McMahan, McMorris, Mielke, Moeller, Morris, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sommers, Sump, Tom, Wallace, and Woods - 56.

Excused: Representatives Eickmeyer and Sullivan - 2.

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

There being no objection, the House adjourned until 10:00 a.m., March 4, 2004, the 53rd Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FIFTY SECOND DAY, MARCH 3, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 4, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nisha Nariya and Mark Edmonson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. David James, St. John's Episcopal Church, Olympia.

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

MESSAGES FROM THE SENATE

March 3, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6243,
ENGROSSED SENATE BILL NO. 6290,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6665,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 3, 2004

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5216,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6177,
ENGROSSED SENATE BILL NO. 6180,
SUBSTITUTE SENATE BILL NO. 6216,
SUBSTITUTE SENATE BILL NO. 6265,
SENATE BILL NO. 6338,
SENATE BILL NO. 6407,
SENATE BILL NO. 6417,
SENATE BILL NO. 6465,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SUBSTITUTE SENATE BILL NO. 6494,
SENATE BILL NO. 6518,
SUBSTITUTE SENATE BILL NO. 6584,
SENATE BILL NO. 6586,
SENATE BILL NO. 6650,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6731,
ENGROSSED SENATE JOINT MEMORIAL NO. 8039,
SENATE JOINT MEMORIAL NO. 8040,
ENGROSSED SENATE JOINT MEMORIAL NO. 8050,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 3, 2004

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6352, and the same is herewith transmitted.

Milt H. Doumit, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4706, By Representative Morris

WHEREAS, Engineering Professor Michael Seal is preparing to retire after 35 years of dedicated full-time teaching at Western Washington University; and

WHEREAS, Inventor Michael Seal competed with his first hand-crafted automobile in a Canadian soap box derby while still in elementary school; and

WHEREAS, Professor Seal has since built or overseen production of more than three dozen innovative, fuel-efficient hybrid cars funded by millions of dollars in grants and donations from private individuals, corporations, and government agencies; and

WHEREAS, Dr. Seal founded and has directed Western Washington University's nationally renowned Vehicle Research Institute for more than three decades; and

WHEREAS, Dr. Seal has pioneered research and development of fuel-efficient engines powered by propane, electricity, reformulated gasoline, and/or solar power; and

WHEREAS, Dr. Seal has devoted his entire career to teaching what he calls his hobby to thousands of engineering technology students who are now designing hybrid and other state-of-the-art vehicles for automotive and truck manufacturers throughout the nation; and

WHEREAS, Professor Seal has earned national acclaim for excellence in engineering education and for serving as one of the country's ten best engineering faculty advisors; and

WHEREAS, Dr. Seal has been recognized by *The Seattle Times* as one of five Washington citizens cited for outstanding contributions to science; and

WHEREAS, Professor Michael Seal has secured the enduring support and dedication of his top grant writer, partner, organizer, bookkeeper, secretary, and wife of more than 40 years, Eileen Seal; and

WHEREAS, Following his retirement this June and his 14-member family cruise to Alaska this summer, Professor Michael Seal has promised to return to Western Washington University's Vehicle Research Institute as a senior adviser and volunteer;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge the career and accomplishments of Professor Michael Seal; and

BE IT FURTHER RESOLVED, That the House of Representatives express gratitude and appreciation to Professor Michael Seal for his positive influence on generations of students and his dedication to and outstanding success in creating inventive, practical solutions for the nation's automotive future; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to Professor Michael Seal and to Karen W. Morse, President of Western Washington University.

HOUSE RESOLUTION NO. 4706 was adopted.

HOUSE RESOLUTION NO. 2004-4707, By Representative Veloria

WHEREAS, The Office of Crime Victims Advocacy and the Washington State Task Force Against the Trafficking of Persons are leading the country in taking action against human trafficking, a practice also known as modern day slavery; and

WHEREAS, Washington state legislators, advocates, law enforcement, lawyers, and researchers have worked side by side to adopt antitrafficking legislation and establish the first statewide AntiTrafficking Task Force in the United States under the Office of Crime Victims Advocacy in the Department of Community, Trade, and Economic Development;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Office of Crime Victims Advocacy and the Washington State Task Force Against the Trafficking of Persons for its accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Office of Crime Victims Advocacy, and the members of the AntiTrafficking Task Force.

HOUSE RESOLUTION NO. 4707 was adopted.

HOUSE RESOLUTION NO. 2004-4708, By Representatives Bush, Romero, Alexander, Hunt and Carrell

WHEREAS, Chief Leschi was a prominent Nisqually Indian leader who made a profound impression upon our early history as a Territory; and

WHEREAS, Chief Leschi was a benevolent man of great intelligence and character, who acted humanely during times of both war and peace; and

WHEREAS, Chief Leschi led the Nisqually Indians at the time the Treaty of Medicine Creek was signed in December 1854; and

WHEREAS, By the terms of the Treaty, the Nisqually Indians were assigned to a reservation on lands far removed from the Nisqually River and its fisheries which had sustained them for centuries; and

WHEREAS, Chief Leschi met with territorial leaders seeking a reservation with a sufficient land base for the Nisqually people, but was refused; and

WHEREAS, War broke out between Indians and territorial forces, and in the course of war, A. Benton Moses, a soldier in the Washington Territorial Militia, was killed during the Battle of Connell Prairie; and

WHEREAS, Chief Leschi was charged with murder in the death of Moses and was tried before a territorial court. The trial resulted in a hung jury after the jurors were instructed that killing of a combatant in the time of war was not murder; and

WHEREAS, Chief Leschi was tried a second time and was convicted of murder and sentenced to death by hanging after the court refused to give the jury instruction regarding the death of combatants. The judge also refused to admit into evidence a map of the battleground showing that

Chief Leschi could not have traveled the distance required to be in a position to fire at A. Benton Moses; and

WHEREAS, The U.S. Army refused to execute Chief Leschi, who was regarded as a prisoner of war, and he was hanged only after the Territorial Legislature enacted a law enabling local authorities, under color of law, to execute Leschi. Accordingly, the Supreme Court rescheduled his execution, which took place on February 19, 1858; and

WHEREAS, Chief Leschi was the victim of discrimination and was executed because, as the leader of the Nisqually Indians, he vigorously defended the territorial rights of his people; and

WHEREAS, There was at that time, and continues to be, a public outcry over the wrongful conviction and execution of Chief Leschi;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the injustice which occurred in 1858 with the trial and execution of Chief Leschi and reaffirm the commitment to a legal system under which a fair trial is the right of everyone regardless of race or creed; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize Chief Leschi as a courageous leader whose sacrifice for his people is worthy of honor and respect and that the residents of the State of Washington solemnly remember Chief Leschi as a great and noble man; and

BE IT FURTHER RESOLVED, That the House of Representatives join with those who hope that the Nisqually Tribe is successful in its efforts to right a gross injustice through a vacation of his conviction by the Washington Supreme Court; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dorian Sanchez, Chairman of the Nisqually Indian Tribal Council, and to Cynthia Iyall, Chairman of the Committee of Leschi Descendants.

HOUSE RESOLUTION NO. 4708 was adopted.

HOUSE RESOLUTION NO. 2004-4709, By Representative Santos

WHEREAS, The Guru Granth Sahib, the Sikh Scripture, is a compilation of the divine revelations to the Sikh Gurus and saints of other faiths reaffirming the fundamental unity of all religions; and

WHEREAS, The Guru Granth Sahib proclaims itself to be the sovereign Word of God, revealed to the world through the passive agency of the Sikh Gurus; and

WHEREAS, The Guru Granth Sahib embodies the Universal message of Truth, Compassion, Peace, Equality, and Service toward all humankind; and

WHEREAS, The fifth Guru of the Sikhs, Guru Arjan, compiled and consecrated the Sikh Scripture, giving self-definition to the Sikh community that originated in the Sikh homeland of the Punjab; and

WHEREAS, This year marks the 400th anniversary of the first installation of the Guru Granth Sahib at the Danbar Sahib, commonly known as the Golden Temple, in Amritsar; and

WHEREAS, Sikhs have been a part of the state of Washington since the early 1900s when the early pioneers settled in the region around Bellingham; and

WHEREAS, Sikhs in the state of Washington are a vibrant community and contribute significantly to the economic, social, and cultural well-being of the state and its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Sikh community on the 400th anniversary of the installation of the Guru Granth Sahib; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Sikh Coalition.

HOUSE RESOLUTION NO. 4709 was adopted.

INTRODUCTION & FIRST READING

ESB 6063 by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner, Spanel and McCaslin

AN ACT Relating to fees for vehicle-related businesses; and amending RCW 46.55.030, 46.70.061, 46.76.040, 46.76.050, 46.79.040, 46.79.050, 46.80.040, and 46.80.050.

ESB 6453 by Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

AN ACT Relating to a qualifying primary; amending RCW 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200, 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.84.260, 29A.84.310, 29A.84.710, and 42.17.020; reenacting and amending RCW 29A.32.120; adding new sections to chapter 29A.52 RCW; adding new sections to chapter 29A.04 RCW; adding new sections to chapter 29A.28 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; adding new sections to chapter 29A.20 RCW; adding new sections to chapter 29A.24 RCW; adding new sections to chapter 29A.32 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding new sections to chapter 29A.80 RCW; adding new sections to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding new sections to chapter 29A.84 RCW; creating new sections; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130, 29A.04.903, 29A.04.007, 29A.04.085, 29A.04.127, 29A.04.215, 29A.04.310, 29A.04.320, 29A.04.610, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.130, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.120, 29A.32.240, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.140, 29A.36.150, 29A.36.160, 29A.36.170, 29A.36.200, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.010, 29A.52.110, 29A.52.120, 29A.52.230, 29A.52.310, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.80.040, 29A.80.050, 29A.80.060, 29A.84.260, 29A.84.310, and 29A.84.710; prescribing penalties; providing a contingent effective date; and declaring an emergency.

SSB 6689 by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt, Prentice, McCaslin, Rasmussen, Sheahan, Parlette, Morton, T. Sheldon, Doumit, Mulliken and Hale)

AN ACT Relating to providing financial assistance to counties; amending RCW 82.08.160; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.31 RCW; and providing an effective date.

ESB 6710 by Senators Horn, Haugen, Swecker, Spanel and Esser

AN ACT Relating to transportation fees; amending RCW 46.16.237, 46.16.270, 46.20.117, 46.20.120, 46.20.311, 46.20.380, 46.63.110, and 46.64.025; reenacting and amending RCW 46.20.055, 46.20.070, and 46.20.308; adding a new section to chapter 46.16 RCW; creating a new section; and providing effective dates.

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

MESSAGE FROM THE SENATE

March 4, 2004

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 2418,

HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2473,
SUBSTITUTE HOUSE BILL NO. 2507,
SUBSTITUTE HOUSE BILL NO. 3158,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

SECOND READING

**SUBSTITUTE SENATE BILL NO. 5139, By Senate Committee on Higher Education
(originally sponsored by Senator Carlson)**

Concerning student preparation for college-level work.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Higher Education and the Committee on Appropriations were not adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004 and 50th Day, March 1, 2004.)

Representative Fromhold moved the adoption of amendment (1103):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that state education and higher education agencies are working on initiatives to communicate with parents and students about how high school graduates should gain and maintain the reading, writing, and mathematics skills they need to start immediately in college-level work. However, the legislature finds that insufficient progress has been made in reducing the proportion of recent high school graduates who must enroll in remedial or precollege classes at Washington's public colleges and universities. More than seventeen million dollars in state and tuition resources is being spent each year to provide these students with skills they should have gained before graduating from high school. It is the intent of the legislature that state education and higher education agencies place a higher priority on their work to address the issue of remediation and take concrete steps to make measurable improvements.

NEW SECTION. Sec. 2. (1) Within current budgets, the higher education coordinating board, the office of the superintendent of public instruction, and the state board for community and technical colleges shall convene a work group that includes representatives of the two and four-year institutions of higher education and school districts to address remediation issues. The work group shall:

- (a) Discuss standards and expectations for the knowledge and skills high school graduates need for college-level work and strategies for communicating those standards to all Washington high schools;
- (b) Identify the causes of current gaps in knowledge and skills of recent high school graduates;
- (c) Identify innovative strategies currently used by school districts and other initiatives or programs designed to provide graduates with the knowledge and skills for college-level work; and
- (d) Develop and initiate actions to address the gaps in knowledge and skills so that the need for remediation of recent high school graduates in public higher education institutions is significantly reduced.

(2) The state education and higher education agencies shall jointly submit a report to the education and higher education committees of the legislature by December 15, 2004. The report shall summarize the findings of the work group and describe actions taken by the agencies, higher education institutions, and school districts to enhance the knowledge and skills of high school graduates. The report shall also recommend additional strategies, timelines, and measurable benchmarks for reducing remediation of recent high school graduates over the next three years."

Representatives Fromhold and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney, Cox, McIntire and Clements spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Clements, Representative DeBolt was excused. On motion of Representative Santos, Representatives Chopp and Edwards were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5139, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5139, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Voting nay: Representative Kagi - 1.

Excused: Representatives DeBolt, Edwards and Mr. Speaker - 3.

SUBSTITUTE SENATE BILL NO. 5139, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5436, By Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Rasmussen, Jacobsen, Winsley, Thibaudeau, McAuliffe, Prentice and Kline)

Regarding foods and beverages sold at public schools.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Tom spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5436, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5436, as amended by the House, and the bill passed the House by the following vote: Yeas - 79, Nays - 16, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Bailey, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 79.

Voting nay: Representatives Ahern, Armstrong, Benson, Blake, Buck, Clements, Condotta, Ericksen, Hatfield, Hinkle, Holmquist, Hunt, Kristiansen, Nixon, Schoesler and Skinner - 16.

Excused: Representatives DeBolt, Edwards and Mr. Speaker - 3.

SUBSTITUTE SENATE BILL NO. 5436, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6091, By Senator Esser

Ensuring deployment of personal wireless service facilities.

The bill was read the second time.

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

Representatives Crouse and Morris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6091.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6091 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives DeBolt, Edwards and Mr. Speaker - 3.

SENATE BILL NO. 6091, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6103, By Senate Committee on Commerce & Trade (originally sponsored by Senators Zarelli, Keiser, Rasmussen, Regala, Franklin, Kline, Deccio, Jacobsen and Fairley)

Making certain types of extreme fighting illegal.

The bill was read the second time.

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

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6103.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6103 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives DeBolt, Edwards and Mr. Speaker - 3.

SUBSTITUTE SENATE BILL NO. 6103, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6140, By Senate Committee on Land Use & Planning (originally sponsored by Senators Morton, Fraser, Mulliken and Winsley)

Exempting uninhabited electric utility facilities from short plats and subdivision requirements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Telecommunications & Energy was adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Crouse and Morris spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representative McMorris was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6140, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6140, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris and Mr. Speaker - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6140, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6143, By Senators Kastama, Winsley, Oke, Franklin, Rasmussen and Schmidt

Determining eligibility for veteran's regular or special license plates.

The bill was read the second time.

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

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6143.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6143 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris, and Mr. Speaker - 4.

SENATE BILL NO. 6143, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6148, By Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Horn, Brandland, Esser, Oke, Eide, Winsley and Hewitt)

Authorizing special license plates to honor law enforcement officers killed in the line of duty.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6148, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6148, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris, and Mr. Speaker - 4.

SUBSTITUTE SENATE BILL NO. 6148, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6188, By Senators Esser, Kline and Johnson

Authorizing electronic notice and other communications within the Washington nonprofit corporation act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6188, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6188, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris, and Mr. Speaker - 4.

ENGROSSED SENATE BILL NO. 6188, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6261, By Senate Committee on Judiciary (originally sponsored by Senators B. Sheldon, Oke and T. Sheldon)

Modifying juror payment provisions.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6261.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6261 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris, and Mr. Speaker - 4.

SUBSTITUTE SENATE BILL NO. 6261, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6325, By Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen and Esser)

Adjusting provisions of the special license plate law.

The bill was read the second time.

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

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6325.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6325 and the bill passed the House by the following vote: Yeas - 74, Nays - 20, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Bailey, Blake, Buck, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, and Wood - 74.

Voting nay: Representatives Alexander, Anderson, Armstrong, Benson, Boldt, Bush, Chandler, Condotta, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, Mastin, McMahan, Mielke, Orcutt, Roach, Skinner, and Woods - 20.

Excused: Representatives DeBolt, Edwards, McMorris, and Mr. Speaker - 4.

SUBSTITUTE SENATE BILL NO. 6325, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6326, By Senators Esser, McCaslin, Oke, Roach, Eide, Kline and Rasmussen

Defining prohibited bus conduct.

The bill was read the second time.

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

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6326.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6326 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller,

Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris, and Mr. Speaker - 4.

SENATE BILL NO. 6326, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6339, By Senators Swecker and Rasmussen

Regulating seed-related business practices.

The bill was read the second time.

Representative Linville moved the adoption of the following amendment (1123):

On page 1, line 16, after "includes" insert "(a)"

On page 1, line 18, after "livestock" strike ", and" and insert "; and (b)"

On page 2, line 2, after "15.49 RCW" insert ", however, any disputes regarding responsibilities for seed clean out are governed exclusively by contracts between the producers of the seed and conditioners or processors of the seed"

On page 5, after line 23, insert the following:

"(24) "Seed clean out" means the process of removing impurities from raw seed product."

Representative Linville spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schoesler and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6339, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6339, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris and Mr. Speaker - 4.

SENATE BILL NO. 6339, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358, By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Stevens)

Improving collaboration regarding offenders with treatment orders.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6358, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6358, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris and Mr. Speaker - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6402, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Rasmussen, Winsley, Keiser and Kohl-Welles)

Giving landlords the flexibility to deposit landlord trust account funds in any financial institution.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, 46th Day, February 26, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives G. Simpson and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6402, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6402, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris and Mr. Speaker - 4.

SUBSTITUTE SENATE BILL NO. 6402, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489, By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Stevens)

Revising provisions relating to correctional industries.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6489, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6489, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson,

G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris and Mr. Speaker - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6501, By Senate Committee on Higher Education (originally sponsored by Senators Carlson, Kohl-Welles, Pflug, Jacobsen, Schmidt, Rasmussen, Shin, Winsley and McAuliffe; by request of State Board for Community and Technical Colleges)

Regarding instructional materials for students with disabilities at public and private institutions of higher education.

The bill was read the second time.

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

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6501.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6501 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 94.

Excused: Representatives DeBolt, Edwards, McMorris and Mr. Speaker - 4.

SUBSTITUTE SENATE BILL NO. 6501, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 6501 was passed.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6501 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6501 on reconsideration, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and McMorris - 2.

SUBSTITUTE SENATE BILL NO. 6501, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6575, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford and Sheahan)

Concerning use classifications for irrigation district conveyance and drainage facilities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Linville, Schoesler and Rockefeller spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6575, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6575, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and McMorris - 2.

SUBSTITUTE SENATE BILL NO. 6575, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6581, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Hargrove)

Funding forest fire protection.

The bill was read the second time.

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

Representatives Schoesler and Rockefeller spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6581.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6581 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and McMorris - 2.

SUBSTITUTE SENATE BILL NO. 6581, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6601, By Senate Committee on Judiciary (originally sponsored by Senators Brandland, T. Sheldon, Stevens, Roach, Murray and Oke)

Limiting obesity lawsuits.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendment. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

Representative Flannigan moved the adoption of amendment (1120) to the committee amendment:

On page 1, beginning on line 3 of the amendment, strike all material through "act." on line 20 and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 7.72 RCW to read as follows:

(1) Any manufacturer, packer, distributor, carrier, holder, marketer, or seller of a food or nonalcoholic beverage intended for human consumption, or an association of one or more such entities, shall not be subject to civil liability in an action brought by a private party based on an individual's purchase or consumption of food or nonalcoholic beverages in cases where liability is premised upon the individual's weight gain, obesity, or a health condition associated with the individual's weight gain or obesity and resulting from the individual's long-term purchase or consumption of a food or nonalcoholic beverage.

(2) For the purposes of this section, the term "long-term consumption" means the cumulative effect of the consumption of food or nonalcoholic beverages, and not the effect of a single instance of consumption.

NEW SECTION. Sec. 2. This act may be cited as the commonsense consumption act."

Representatives Flannigan and Carrell spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz, Carrell, Mastin, Rockefeller, Armstrong and Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6601, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6601, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Dunshee - 1.

Excused: Representatives Edwards and McMorris - 2.

SUBSTITUTE SENATE BILL NO. 6601, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6642, By Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Schmidt, Carlson, Mulliken, Hewitt, Roach and McAuliffe)

Ordering case conferences following shelter care hearings.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendment, see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6642, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6642, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and McMorris - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6642, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6655, By Senate Committee on Commerce & Trade (originally sponsored by Senators Hewitt, Keiser and Rasmussen)

Regulating authorized representatives of beer and wine manufacturers and distributors.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6655, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6655, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and McMorris - 2.

SUBSTITUTE SENATE BILL NO. 6655, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6688, By Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen, Benton, B. Sheldon, T. Sheldon, Rasmussen and Shin)

Authorizing a special "Helping Kids Speak" license plate.

The bill was read the second time.

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

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6688.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6688 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and McMorris - 2.

SUBSTITUTE SENATE BILL NO. 6688, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5083, By Senators Stevens, Benton, Mulliken, Roach, Oke, Esser, Swecker and T. Sheldon

Recognizing concealed weapon licenses issued by states that recognize Washington's concealed pistol license.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representative Ruderman was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5083, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5083, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Kagi and McDermott - 2.

Excused: Representatives Edwards, McMorris and Ruderman - 3.

ENGROSSED SENATE BILL NO. 5083, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6237, By Senators Hewitt, Haugen, Mulliken, Rasmussen and Parlette

Providing nonagricultural commercial and retail uses that support and sustain agricultural operations on designated agricultural lands of long-term significance.

The bill was read the second time.

With the consent of the House, amendment (1119) was withdrawn.

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

Representatives Romero, Shabro and Alexander spoke in favor of passage of the bill.

COLLOQUY

Representative Jarrett: "Concerns have been raised by interested and affected parties about a recent Growth Management Hearing Board decision that affects agricultural land designation. Is it your belief that the passage of SSB 6488 - the agricultural study bill - yesterday by the House will provide an opportunity for those parties to discuss the concerns about the case?"

Representative Romero: "Yes. The bill asks CTED to study the designation process in four counties – Lewis County being one of those counties – provides the opportunity. It is also my hope that the Growth Management Work group will be a venue to work out an agreed to solution and a recommendation to bring back to the Legislature. I have been impressed with the progress of the work group and I also understand they were not able to reach an agreement on some issues. I hope they will continue to work on those issues also."

Representative Jarrett: "My last question is about agency rules or procedural criteria affecting the GMA. Do you think the cities and counties might benefit from the development and adoption of formal rules guiding their GMA actions instead of procedural criteria while they are defending their decisions before Growth Boards?"

Representative Romero: "I think it is an issue that should be further explored. It has been brought to my attention by several public and private land use planners and attorneys that the lack of formal rules might be a problem for cities and counties in defending their decisions. I would also hope the work group makes another attempt at trying to reach an agreement on this issue."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6237.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6237 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, McMorris and Ruderman - 3.

SENATE BILL NO. 6237, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6357, By Senators Johnson, Keiser, Esser, Eide, Prentice, McCaslin, Rasmussen, Winsley and Oke

Modifying criminal trespass law.

The bill was read the second time.

With the consent of the House, amendment (1108) was withdrawn.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6357.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6357 and the bill passed the House by the following vote: Yeas - 89, Nays - 6, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Conway, Cooper, Eickmeyer, Flannigan, Hunt, and Mielke - 6.
Excused: Representatives Edwards, McMorris and Ruderman - 3.

SENATE BILL NO. 6357, having received the necessary constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

March 4, 2004

HB 1322 Prime Sponsor, Representative G. Simpson: Exempting from taxation certain property belonging to any federally recognized Indian tribe located in the state. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Cairnes, Ranking Minority Member; Ahern; Conway; Morris; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 4, 2004

2SSB 6304 Prime Sponsor, Senate Committee on Ways & Means: Providing tax relief for aluminum smelters. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the loss of domestic manufacturing jobs has become a national concern. Washington state has lost one out of every six manufacturing jobs since July 2000. The aluminum industry has long been an important component of Washington state's manufacturing base, providing family-wage jobs often in rural communities where unemployment rates are very high. The aluminum industry is electricity intensive and was greatly affected by the dramatic increase in electricity prices which began in 2000 and which continues to affect the Washington economy. Before the energy crisis, aluminum smelters provided about 5,000 direct jobs. Today they provide fewer than 1,000 direct jobs. For every job lost in that industry, almost three additional jobs are estimated to be lost elsewhere in the state's economy. It is the legislature's intent to preserve and restore family wage jobs by providing tax relief to the state's aluminum industry.

The electric loads of aluminum smelters provide a unique benefit to the infrastructure of the electric power system. Under the transmission tariff of the Bonneville Power Administration, aluminum smelter loads, whether served with federal or nonfederal power, are subject to short-term interruptions that allow a higher import capability on the transmission interconnection between the northwest and California. These stability reserves allow more power to be imported in winter months, reducing the need for additional generation in the northwest, and would be used to prevent a widespread transmission collapse and blackout if there were a failure in the transmission interconnection between California and the northwest. It is the legislature's intent to retain these benefits for the people of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW, to be codified between RCW 82.04.020 and 82.04.220, to read as follows:

- (1) "Direct service industrial customer" means the same as in RCW 82.16.0495.
- (2) "Aluminum smelter" means the manufacturing facility of any direct service industrial customer that processes alumina into aluminum.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

- (1) Upon every person who is an aluminum smelter engaging within this state in the business of manufacturing aluminum; as to such persons the amount of tax with respect to such business shall, in the case of

manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of .2904 percent.

(2) Upon every person who is an aluminum smelter engaging within this state in the business of making sales at wholesale of aluminum manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the aluminum multiplied by the rate of .2904 percent.

(3) This section expires January 1, 2007.

Sec. 4. RCW 82.04.240 and 1998 c 312 s 3 are each amended to read as follows:

Upon every person (~~except persons taxable under RCW 82.04.260 (1), (2), (4), (5), or (6))~~ engaging within this state in business as a manufacturer, except persons taxable as manufacturers under other provisions of this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 5. RCW 82.04.270 and 2003 2nd sp.s. c 1 s 5 are each amended to read as follows:

Upon every person (~~except persons taxable under RCW 82.04.260 (5) or (13), 82.04.298, or 82.04.272~~) engaging within this state in the business of making sales at wholesale, except persons taxable as wholesalers under other provisions of this chapter; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of 0.484 percent.

Sec. 6. RCW 82.04.280 and 1998 c 343 s 3 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 7. RCW 82.04.440 and 2003 2nd sp.s. c 1 s 6 are each amended to read as follows:

(1) Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.290, inclusive, shall be taxable under each paragraph applicable to the activities engaged in.

(2) Persons taxable under section 3(2) of this act, RCW 82.04.250, 82.04.270, or 82.04.260 (4) or (13) with respect to selling products in this state shall be allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable under RCW 82.04.240 or 82.04.260(1)(b) shall be allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, section 3(1) of this act, or 82.04.260 (1), (2), (4), (6), or (13) with respect to extracting or manufacturing products in this state shall be allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, section 3(1) of this act, and 82.04.260 (1), (2), (4), and (13), and (ii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes the tax imposed in RCW 82.04.230 and similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

NEW SECTION. Sec. 8. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for all property taxes paid during the calendar year on property owned by a direct service industrial customer and reasonably necessary for the purposes of an aluminum smelter.

(2) A person taking the credit under this section is subject to all the requirements of chapter 82.32 RCW. A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year. Credits carried over must be applied to tax liability before new credits. No refunds may be granted for credits under this section.

(3) Credits may not be claimed under this section for property taxes levied for collection in 2007 and thereafter.

NEW SECTION. Sec. 9. A new section is added to chapter 82.04 RCW to read as follows:

(1) A person who is subject to tax under this chapter on gross income from sales of electricity, natural gas, or manufactured gas made to an aluminum smelter is eligible for an exemption from the tax in the form of a credit, if the contract for sale of electricity or gas to the aluminum smelter specifies that the price charged for the electricity or gas will be reduced by an amount equal to the credit.

(2) The credit is equal to the gross income from the sale of the electricity or gas to an aluminum smelter multiplied by the corresponding rate in effect at the time of the sale under this chapter.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the smelting process.

(4) Credits may not be claimed under this section for taxable activity occurring on or after July 1, 2011.

NEW SECTION. Sec. 10. A new section is added to chapter 82.08 RCW to read as follows:

(1) A person who has paid tax under RCW 82.08.020 for tangible personal property used at an aluminum smelter, tangible personal property that will be incorporated as an ingredient or component of buildings

or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or tangible personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. A person claiming an exemption must pay the tax and may then take a credit equal to the state share of retail sales tax paid under RCW 82.08.020. The person shall submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in section 2 of this act.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, 2007.

NEW SECTION. Sec. 11. A new section is added to chapter 82.12 RCW to read as follows:

(1) A person who is subject to tax under RCW 82.12.020 for tangible personal property used at an aluminum smelter, or for tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or tangible personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. The amount of the credit shall be equal to the state share of use tax computed to be due under RCW 82.12.020. The person shall submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in section 2 of this act.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, 2007.

Sec. 12. RCW 82.12.022 and 1994 c 124 s 9 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a use tax for the privilege of using natural gas or manufactured gas within this state as a consumer.

(2) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the public utility tax on gas distribution businesses under RCW 82.16.020. The "value of the article used" does not include any amounts that are paid for the hire or use of a gas distribution business as defined in RCW 82.16.010(7) in transporting the gas subject to tax under this subsection if those amounts are subject to tax under that chapter.

(3) The tax levied in this section shall not apply to the use of natural or manufactured gas delivered to the consumer by other means than through a pipeline.

(4) The tax levied in this section shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 82.16.020 with respect to the gas for which exemption is sought under this subsection.

(5) The tax levied in this section shall not apply to the use of natural or manufactured gas by an aluminum smelter as that term is defined in section 2 of this act before January 1, 2007.

(6) There shall be a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 82.16.020 by another state with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.

~~((6))~~ (7) The use tax hereby imposed shall be paid by the consumer to the department.

~~((7))~~ (8) There is imposed a reporting requirement on the person who delivered the gas to the consumer to make a quarterly report to the department. Such report shall contain the volume of gas delivered, name of the consumer to whom delivered, and such other information as the department shall require by rule.

~~((8))~~ (9) The department may adopt rules under chapter 34.05 RCW for the administration and enforcement of sections 1 through 6, chapter 384, Laws of 1989.

NEW SECTION. Sec. 13. A new section is added to chapter 82.16 RCW to read as follows:

(1) A person who is subject to tax under this chapter on gross income from sales of electricity, natural gas, or manufactured gas made to an aluminum smelter is eligible for an exemption from the tax in the form of a credit, if the contract for sale of electricity or gas to the aluminum smelter specifies that the price charged for the electricity or gas will be reduced by an amount equal to the credit.

(2) The credit is equal to the gross income from the sale of the electricity or gas to an aluminum smelter multiplied by the corresponding rate in effect at the time of the sale for the public utility tax under RCW 82.16.020.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the smelting process.

(4) For the purposes of this section, "aluminum smelter" has the same meaning as provided in section 2 of this act.

(5) Credits may not be claimed under this section for taxable activity occurring on or after July 1, 2011.

NEW SECTION. Sec. 14. A new section is added to chapter 82.32 RCW to read as follows:

(1) For the purposes of this section, "smelter tax incentive" means the preferential tax rate under section 3 of this act, or an exemption or credit under section 8, 10, or 11 of this act or RCW 82.12.022(5).

(2) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(3) The goals of the smelter tax incentives are to retain family wage jobs in rural areas by:

(a) Enabling the aluminum industry to maintain production of aluminum at a level that will preserve at least 75 percent of the jobs that were on the payroll effective January 1, 2004, as adjusted for employment reductions publicly announced before November 30, 2003; and

(b) Allowing the aluminum industry to continue producing aluminum in this state through 2006 so that the industry will be positioned to preserve and create new jobs when the anticipated reduction of energy costs occurs.

(4)(a) An aluminum smelter receiving the benefit of a smelter tax incentive shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report is due by March 31st following any year in which a tax incentive is claimed or used. The report shall not include names of employees. The report shall detail employment by the total number of full-time, part-time, and temporary positions. The report shall indicate the quantity of aluminum smelted at the plant during the time period covered by the report. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a tax incentive. Employment reports shall include data for actual levels of employment and identification of the number of jobs affected by any employment reductions that have been publicly announced at the time of the report. Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department shall declare the amount of taxes exempted or credited, or reduced in the case of the preferential business and occupation tax rate, for that year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(5) By December 1, 2005, and by December 1, 2006, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the smelter tax incentives and, by December 1, 2010, on the effectiveness of the incentives under sections 9 and 13 of this act. The reports shall measure the effect of the tax incentives on job retention for Washington residents and any other factors the committees may select.

NEW SECTION. Sec. 15. This act takes effect July 1, 2004."

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Assistant Ranking Minority Member; Ahern; Conway; Morris and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Cairnes, Ranking Minority Member; Roach.

Passed to Committee on Rules for second reading.

There being no objection, HOUSE BILL NO. 1322 was placed on the second reading calendar.

There being no objection, SECOND SUBSTITUTE SENATE BILL NO. 6304 was placed on the second reading calendar.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5732, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Rasmussen, Brandland and Winsley)

Revising provisions for long-term care service options.

The bill was read the second time.

Representative Cody moved the adoption of the following amendment (1131):

On page 4, after line 13, insert the following:

"**Sec. 2.** RCW 74.09.520 and 2003 c 279 s 1 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) nursing facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a child by a school district in a manner consistent with the requirements of this chapter. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care for clients requiring health-related consultation for assessment and service planning may be reviewed by a nurse.

(c) The department shall determine by rule which clients have a health-related assessment or service planning need requiring registered nurse consultation or review. This definition may include clients that meet indicators or protocols for review, consultation, or visit.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds.

(6) For Title XIX personal care services administered by aging and ~~((adult))~~ disability services administration of the department, the department shall contract with area agencies on aging:

(a) To provide case management services to individuals receiving Title XIX personal care services in their own home; and

(b) To reassess and reauthorize Title XIX personal care services or other home and community services as defined in RCW 74.39A.009 in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive Title XIX personal care services or other home and community services as defined in RCW 74.39A.009; and

(ii) Who, at the time of reassessment and reauthorization, are receiving such services in their own home.

(7) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract ~~((to provide these services))~~ or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

Sec. 3. RCW 74.39A.090 and 1999 c 175 s 2 are each amended to read as follows:

(1) The legislature intends that any staff reassigned by the department as a result of shifting of the reauthorization responsibilities by contract outlined in this section shall be dedicated for discharge planning and assisting with discharge planning and information on existing discharge planning cases. Discharge planning, as directed in this section, is intended for residents and patients identified for discharge to long-term care pursuant to RCW 70.41.320, 74.39A.040, and 74.42.058. The purpose of discharge planning is to protect residents and patients from the financial incentives inherent in keeping residents or patients in a more expensive higher level of care and shall focus on care options that are in the best interest of the patient or resident.

(2) The department shall contract with area agencies on aging:

(a) To provide case management services to consumers receiving home and community services in their own home; and

(b) To reassess and reauthorize home and community services in home or in other settings for consumers consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive home and community services; and

(ii) Who, at the time of reassessment and reauthorization, are receiving home and community services in their own home.

(3) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract ~~((to provide these services))~~ or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

(4) The department shall include, in its oversight and monitoring of area agency on aging performance, assessment of case management roles undertaken by area agencies on aging in this section. The scope of oversight and monitoring ~~((must be expanded to))~~ includes, but is not limited to, assessing the degree and quality of the case management performed by area agency on aging staff for elderly and disabled persons in the community.

(5) Area agencies on aging shall assess the quality of the in-home care services provided to consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider or home care agency. Quality indicators may include, but are not limited to, home care consumers satisfaction surveys, how quickly home care consumers are linked with home care workers, and whether the plan of care under RCW 74.39A.095 has been honored by the agency or the individual provider.

(6) The department shall develop model language for the plan of care established in RCW 74.39A.095. The plan of care shall be in clear language, and written at a reading level that will ensure the ability of consumers to understand the rights and responsibilities expressed in the plan of care."

Correct the title.

Representative Cody spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Cody spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representatives Roach and Mastin were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5732, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5732, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Roach - 3.

SUBSTITUTE SENATE BILL NO. 5732, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6146, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Fraser, Morton, Esser, Eide, Winsley, Kohl-Welles, Keiser and Kline)

Encouraging renewable energy and energy efficiency businesses in Washington.

The bill was read the second time.

With the consent of the House, amendments (1110), (1109) and (1112) were withdrawn.

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

Representatives Morris and Tom spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6146.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6146 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Roach - 3.

SUBSTITUTE SENATE BILL NO. 6146, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6560, By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Fraser, Swecker, Kline, Kohl-Welles, Jacobsen, Thibaudeau, Fairley and Winsley)

Concerning animal cruelty.

The bill was read the second time.

Representative Sump moved the adoption of the following amendment (1083):

On page 1, beginning on line 4, strike all of section 1 and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 16.52 RCW to read as follows:
(1) A person is guilty of the unlawful use of a hook if the person utilizes, or attempts to use, a hook with the intent to pierce the flesh or mouth of a bird or mammal.
(2) Unlawful use of a hook is a gross misdemeanor."

Correct the title.

Representatives Sump and Cooper spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6560, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6560, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin, and Roach - 3.

SUBSTITUTE SENATE BILL NO. 6560, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6614, By Senators Poulsen, Murray, Hewitt, Sheahan and Brown

Removing the damages floor for unauthorized impounds.

The bill was read the second time.

Representative Cairnes moved the adoption of the following amendment (1139):

On page 7, after line 32, insert the following:

"**Sec. 2.** RCW 46.12.151 and 1990 c 250 s 30 are each amended to read as follows:

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. At the end of three years or prior thereto if the vehicle is no longer registered in this state or when satisfactory evidence of ownership is surrendered to the department, the owner may apply to the department for a replacement certificate of ownership without reference to the bond.

(3) Subsections (1) and (2) of this section do not apply to a vehicle whose fair market value as determined by the department is less than five hundred dollars. For vehicles with a fair market value of less than five hundred dollars the department shall withhold issuance of a certificate of ownership for a period of ninety days or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it."

Correct the title.

Representatives Cairnes and G. Simpson spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives G. Simpson and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6614, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6614, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Dunshee, Hudgins and Nixon - 3.

Excused: Representatives Edwards, Mastin and Roach - 3.

SENATE BILL NO. 6614, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 25, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39A.270 and 2002 c 3 s 6 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the ((authority)) governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees((-)) as defined in chapter 41.56 RCW((-of the authority)). To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers.

(2) Chapter 41.56 RCW governs the ((employment)) collective bargaining relationship between the ((authority)) governor and individual providers, except as otherwise expressly provided in this chapter ((3, Laws of 2002)) and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires;

(ii) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter ((3, Laws of 2002)) or chapter 41.56 RCW.

(3) Individual providers who are public employees ((of the authority)) solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter ((3, Laws of 2002)), neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state, other than the authority, may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer and to determine the hours of care that each consumer is eligible to receive;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter ((3, Laws of 2002)) may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter ((3, Laws of 2002)).

((7)) (8) Nothing in this section affects the state's responsibility with respect to ((the state payroll system or)) unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

Sec. 2. RCW 74.39A.300 and 2002 c 3 s 9 are each amended to read as follows:

(1) Upon meeting the requirements of subsection (2) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to administer chapter 3, Laws of 2002 and to implement ((any)) the compensation and fringe benefits provisions of a collective bargaining agreement entered into under RCW 74.39A.270 or for legislation necessary to implement ((any)) such agreement ((within ten days of the date on which the agreement is ratified or, if the legislature is not in session, within ten days after the next legislative session convenes)).

(2) A request for funds necessary to implement the compensation and fringe benefits provisions of a collective bargaining agreement entered into under RCW 74.39A.270 shall not be submitted by the governor to the legislature unless such request:

(a) Has been submitted to the director of financial management by October 1st prior to the legislative session at which the request is to be considered; and

(b) Has been certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under RCW 74.39A.270(2)(c).

(3) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any such agreement will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreement.

((2)) (4) When any increase in individual provider wages or benefits is negotiated or agreed to ((by the authority)), no increase in wages or benefits negotiated or agreed to under this chapter ((3, Laws of 2002)) will take effect unless and until, before its implementation, the department has determined that the increase is consistent with federal law and federal financial participation in the provision of services under Title XIX of the federal social security act.

((3)) (5) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and fringe benefits provisions of any collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement such agreement.

(6) After the expiration date of any collective bargaining agreement entered into under RCW 74.39A.270, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in RCW 74.39A.270(6)(f).

(7) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

NEW SECTION. Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

Individual providers, as defined in RCW 74.39A.240, are not employees of the state or any of its political subdivisions and are specifically and entirely excluded from all provisions of this title, except as provided in RCW 74.39A.270.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.01 RCW to read as follows:
RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW 74.39A.220 through 74.39A.300.

Sec. 5. RCW 74.39A.901 and 1993 c 508 s 11 are each amended to read as follows:

If any part of this ~~((æ))~~ chapter or a collective bargaining agreement under this chapter is found by a court of competent jurisdiction to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this ~~((æ))~~ chapter or the agreement is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this ~~((æ))~~ chapter or the agreement in its application to the agencies concerned. The rules under this ~~((æ))~~ chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. 6. RCW 41.56.030 and 2002 c 99 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner, or (f) excluded from a bargaining unit under RCW 41.56.201(2)(a). For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) fire fighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(9) "Home care quality authority" means the authority under chapter 74.39A RCW.

(10) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is ~~((employed by the home care quality authority))~~ a public employee as provided in RCW 74.39A.270.

Sec. 7. RCW 41.56.113 and 2002 c 99 s 1 are each amended to read as follows:

(1) Upon the written authorization of an individual provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the ~~((home care quality authority))~~ governor and the exclusive bargaining representative of a bargaining unit of individual providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the ~~((home care quality authority))~~ governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the ~~((home care quality authority))~~ governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, the ongoing additional costs to the state in making deductions from the payments to individual providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 74.39A.270, 74.39A.300, 74.39A.901, 41.56.030, and 41.56.113; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.01 RCW; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Sehlin spoke in favor of the passage of the bill.

COLLOQUY

Representative Benson: "In section 1, subsection (7)(a) of ESHB 2933, the words vicariously or jointly liable describe an exception from liability for the respective entities listed in this subsection. The words "or jointly" are added to existing law, and the language states that certain activities do not

create a special relationship with the person being provided with care. Does this mean, in terms of judging the responsibilities of these respective entities, that they are responsible for their own duties?"

Representative Cody: "Yes. The language does mean that each entity is responsible for their own duties, under statute or law, and clarifies that no new liability based on employment relationships is created. This section also states that no special relationship is created solely by the state or the listed agencies fulfilling their requirements enumerated in this chapter."

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2933, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2933, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Roach - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933,
SECOND SUBSTITUTE SENATE BILL NO. 5216,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6125,
SUBSTITUTE SENATE BILL NO. 6161,
ENGROSSED SENATE BILL NO. 6180,
SENATE BILL NO. 6177,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6352,

SECOND READING

HOUSE BILL NO. 1322, By Representatives G. Simpson, Cairnes, McCoy and Roach

Exempting from taxation certain property belonging to any federally recognized Indian tribe located in the state.

The bill was read the second time. There being no objection, Substitute House Bill No. 1322 was substituted for House Bill No. 1322 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1322 was read the second time.

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

Representatives G. Simpson and Cairnes spoke in favor of passage of the bill.

Representative Mielke spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1322.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1322 and the bill passed the House by the following vote: Yeas - 67, Nays - 28, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Blake, Buck, Bush, Cairnes, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Armstrong, Bailey, Benson, Boldt, Carrell, Clements, Condotta, Cox, Crouse, Delvin, Ericksen, Hankins, Hinkle, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Orcutt, Pearson, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Tom - 28.

Excused: Representatives Edwards, Mastin and Roach - 3.

SUBSTITUTE HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1322.

BOB SUMP, 7th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1322.

CATHY McMORRIS, 7th District

SUBSTITUTE SENATE BILL NO. 6118, By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Morton, Stevens, Deccio, Mulliken, Roach and Swecker)

Creating a cougar control pilot program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Fisheries, Ecology & Parks was not adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

With the consent of the House, amendments (1114), (1117), (1118), (1100), (1113), (1135), (1138), (1137) and (1136) were withdrawn.

Representative Sump moved the adoption of amendment (1150):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of fish and wildlife, in cooperation and collaboration with the county legislative authorities of Ferry, Stevens, Pend Oreille, Chelan, and Okanogan counties, shall recommend rules to establish a three-year pilot program within select game management units of these counties, to pursue or kill cougars with the aid of dogs. A pursuit season and a kill season with the aid of dogs must be established through the fish and wildlife commission's rule-making process, utilizing local dangerous wildlife task teams comprised of the two collaborating authorities. The two collaborating authorities shall also develop a more effective and accurate dangerous wildlife reporting system to ensure a timely response. The pilot program's primary goals are to provide for public safety, to protect property, and to assess cougar populations.

(2) Any rules adopted by the fish and wildlife commission to establish a pilot project allowing for the pursuit or hunting of cougars with the aid of dogs under this section only must ensure that all pursuits or hunts are:

- (1) Designed to protect public safety or property;
- (2) Reflective of the most current cougar population data;
- (3) Designed to generate data that is necessary for the department to satisfy the reporting requirements of section 3 of this act; and
- (4) Consistent with any applicable recommendations emerging from research on cougar population dynamics in a multi-prey environment conducted by Washington State University's department of natural resource sciences that was funded in whole or in part by the department of fish and wildlife.

NEW SECTION. Sec. 2. A county legislative authority may request inclusion in the pilot project authorized by this act after taking the following actions:

- (1) Adopting a resolution that requests inclusion in the pilot project;
- (2) Documenting the need to participate in the pilot program by identifying the number of cougar/human encounters and livestock and pet depredations; and
- (3) Demonstrating that existing cougar depredation permits, public safety cougar hunts, or other existing wildlife management tools have not been sufficient to deal with cougar incidents in the county.

NEW SECTION. Sec. 3. After the culmination of the pilot project authorized by this section, the department of fish and wildlife must report to the fish and wildlife commission and the appropriate committees of the legislature:

- (1) Recommendations for the development of a more effective and accurate dangerous wildlife reporting system, a summary of how the pilot project aided the collection of data useful in making future wildlife management decisions, and a recommendation as to whether the pilot project would serve as a model for effective cougar management into the future. The report required by this subsection must be completed in collaboration with the counties choosing to participate in the pilot program.
- (2) Recommendations for a new and modern cougar management system that focuses on altering the behavior of wild cougars, and not solely on controlling cougar population levels. These recommendations must include at a minimum suggestions for wildlife management techniques aimed at modifying cougar behavior, the identification of non-lethal ways to minimize interactions between cougars and humans, and an analysis of opportunities for minimizing interactions between cougars and humans by controlling the abundance and location of cougar prey species."

Correct the title.

Representative Dickerson moved the adoption of amendment (1160) to amendment (1150):

On page 2, after line 33 of the amendment, insert the following:

"NEW SECTION. Sec. 4. (1) The pelts and carcasses of cougars harvested under the pilot program authorized by this act may not be sold, bartered, or otherwise entered into commerce.

(2) The pelts and carcasses of cougars harvested under the pilot program authorized by this act may not be stuffed, mounted, or otherwise used for purposes of taxidermy."

Representative Dickerson spoke in favor of the adoption of the amendment to the amendment

Representative Sump spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

The amendment (1150) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sump, Upthegrove, Cooper and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6118, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6118, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Dickerson, Hunt, Murray, Romero and Veloria - 5.

Excused: Representatives Edwards, Mastin and Roach - 3.

SUBSTITUTE SENATE BILL NO. 6118, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533, By Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Johnson, McAuliffe, Carlson, Keiser, Rasmussen and Kline)

Providing increased access to information on disciplinary actions taken against school employees.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall, McDonald and Rockefeller spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5533, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5533, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Uptegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Roach - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6171, By Senate Committee on Education (originally sponsored by Senators Benton, Kohl-Welles, Carlson, Stevens, Johnson, Esser, T. Sheldon and Pflug)

Regarding misconduct investigations conducted by the superintendent of public instruction.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For committee amendment, see Journal, 50th Day, March 1, 2004.)

Representative Talcott moved the adoption of amendment (1149) to the committee amendment:

On page 2, line 36, after "complaint" insert "alleging physical abuse or sexual misconduct by a certificated school employee"

On page 3, line 12, after "alleging" strike "that a certificated school employee has committed a violation of this chapter or rules adopted under it" and insert "physical abuse or sexual misconduct by a certificated school employee"

Representatives Talcott and Rockefeller spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Rockefeller and McDonald spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6171, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6171, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin and Roach - 3.

SUBSTITUTE SENATE BILL NO. 6171, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2400, By Representatives McMahan, Carrell, Mielke, Talcott, Crouse, Bush, Ahern, Newhouse, G. Simpson, Woods and Orcutt

Providing enhanced penalties for sex crimes against children.

The bill was read the second time. There being no objection, Substitute House Bill No. 2400 was substituted for House Bill No. 2400 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2400 was read the second time.

With the consent of the House, amendment (1142) was withdrawn.

Representative Schoesler moved the adoption of amendment (1101):

On page 18, line 32, after "(8)" insert "If the court imposes the sentencing alternative under this section, the prosecutor shall submit a detailed written statement for public release stating whether the prosecutor agreed or disagreed with the imposition of the sentencing alternative and the reasons for his or her agreement or disagreement.

(9)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Schoesler and O'Brien spoke in favor of the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1101) to Substitute House Bill No. 2400.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1101) to Substitute House Bill No. 2400, and the amendment was adopted by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin,

Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Mastin, and Roach - 3.

Representative McDonald moved the adoption of amendment (1080):

On page 21, line 14, after "2004." insert the following:

"**Sec. 5.** RCW 9A.44.150 and 1990 c 150 s 2 are each amended to read as follows:

(1) On motion of the prosecuting attorney in a criminal proceeding, the court may order that a child under the age of ten may testify in a room outside the presence of the defendant and the jury while one-way closed-circuit television equipment simultaneously projects the child's testimony into another room so the defendant and the jury can watch and hear the child testify if:

(a) The testimony will:

(i) Describe an act or attempted act of sexual contact performed with or on the child witness by another ~~((or))~~ person or with or on a child other than the child witness by another person;

(ii) Describe an act or attempted act of physical abuse against the child witness by another person or against a child other than the child witness by another person; or

(iii) Describe a violent offense as defined by RCW 9.94A.030 committed against a person known by or familiar to the child witness or by a person known by or familiar to the child witness;

(b) The testimony is taken during the criminal proceeding;

(c) The court finds by substantial evidence, in a hearing conducted outside the presence of the jury, that requiring the child witness to testify in the presence of the defendant will cause the child to suffer serious emotional or mental distress that will prevent the child from reasonably communicating at the trial. If the defendant is excluded from the presence of the child, the jury must also be excluded;

(d) As provided in subsection (1)(a) and (b) of this section, the court may allow a child witness to testify in the presence of the defendant but outside the presence of the jury, via closed-circuit television, if the court finds, upon motion and hearing outside the presence of the jury, that the child will suffer serious emotional distress that will prevent the child from reasonably communicating at the trial in front of the jury, or, that although the child may be able to reasonably communicate at trial in front of the jury, the child will suffer serious emotional or mental distress from testifying in front of the jury. If the child is able to communicate in front of the defendant but not the jury the defendant will remain in the room with the child while the jury is excluded from the room;

(e) The court finds that the prosecutor has made all reasonable efforts to prepare the child witness for testifying, including informing the child or the child's parent or guardian about community counseling services, giving court tours, and explaining the trial process. If the prosecutor fails to demonstrate that preparations were implemented or the prosecutor in good faith attempted to implement them, the court shall deny the motion;

(f) The court balances the strength of the state's case without the testimony of the child witness against the defendant's constitutional rights and the degree of infringement of the closed-circuit television procedure on those rights;

(g) The court finds that no less restrictive method of obtaining the testimony exists that can adequately protect the child witness from the serious emotional or mental distress;

(h) When the court allows the child witness to testify outside the presence of the defendant, the defendant can communicate constantly with the defense attorney by electronic transmission and be granted reasonable court recesses during the child's testimony for person-to-person consultation with the defense attorney;

(i) The court can communicate with the attorneys by an audio system so that the court can rule on objections and otherwise control the proceedings;

(j) All parties in the room with the child witness are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child;

(k) The court finds that the television equipment is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment; and

(l) The court imposes reasonable guidelines upon the parties for conducting the filming to avoid trauma to the child witness or abuse of the procedure for tactical advantage.

The prosecutor, defense attorney, and a neutral and trained victim's advocate, if any, shall always be in the room where the child witness is testifying. The court in the court's discretion depending on the circumstances and whether the jury or defendant or both are excluded from the room where the child is testifying, may remain or may not remain in the room with the child.

(2) During the hearing conducted under subsection (1) of this section to determine whether the child witness may testify outside the presence of the defendant and/or the jury, the court may conduct the observation and examination of the child outside the presence of the defendant if:

- (a) The prosecutor alleges and the court concurs that the child witness will be unable to testify in front of the defendant or will suffer severe emotional or mental distress if forced to testify in front of the defendant;
- (b) The defendant can observe and hear the child witness by closed-circuit television;
- (c) The defendant can communicate constantly with the defense attorney during the examination of the child witness by electronic transmission and be granted reasonable court recesses during the child's examination for person-to-person consultation with the defense attorney; and
- (d) The court finds the closed-circuit television is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment. Whenever possible, all the parties in the room with the child witness shall be on camera so that the viewers can see all the parties. If viewing all participants is not possible, then the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.
- (3) The court shall make particularized findings on the record articulating the factors upon which the court based its decision to allow the child witness to testify via closed-circuit television pursuant to this section. The factors the court may consider include, but are not limited to, a consideration of the child's age, physical health, emotional stability, expressions by the child of fear of testifying in open court or in front of the defendant, the relationship of the defendant to the child, and the court's observations of the child's inability to reasonably communicate in front of the defendant or in open court. The court's findings shall identify the impact the factors have upon the child's ability to testify in front of the jury or the defendant or both and the specific nature of the emotional or mental trauma the child would suffer. The court shall determine whether the source of the trauma is the presence of the defendant, the jury, or both, and shall limit the use of the closed-circuit television accordingly.
- (4) This section does not apply if the defendant is an attorney pro se unless the defendant has a court-appointed attorney assisting the defendant in the defense.
- (5) This section may not preclude the presence of both the ((~~victim~~)) child witness and the defendant in the courtroom together for purposes of establishing or challenging the identification of the defendant when identification is a legitimate issue in the proceeding.
- (6) The Washington supreme court may adopt rules of procedure regarding closed-circuit television procedures.
- (7) All recorded tapes of testimony produced by closed-circuit television equipment shall be subject to any protective order of the court for the purpose of protecting the privacy of the child witness.
- (8) Nothing in this section creates a right of the child witness to a closed-circuit television procedure in lieu of testifying in open court.
- (9) The state shall bear the costs of the closed-circuit television procedure.
- (10) A child witness may or may not be a victim in the proceeding."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling of amendment 1080 to Substitute House Bill No. 2400.

SPEAKER'S RULING

Mr. Speaker: "Substitute House Bill No. 2400 is entitled an act relating to 'sentence enhancement of sex crimes against minors.' The substitute bill increases the sentencing range for certain sex crimes against minors, increases the presumptive time of confinement for persons sentenced for sex crimes against minors under the special sex offender sentencing alternative, makes several other changes to the special sex offender sentencing alternative, and directs a study of sex offender sentencing policies.

Amendment 1080 allows children to testify by closed-circuit television in cases involving sexual and violent offenses.

The amendment is not related to sentencing for sex crimes against minors and is therefore beyond the scope and object of the bill.

Representative Hatfield, your point of order is well taken."

Representative Lovick moved the adoption of amendment (1078):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Bodily injury" means physical pain or injury, illness, or an impairment of physical condition.

(b) "Family member" means a relative by blood, marriage, or adoption, or a foster parent.

(c) "First-time offender" means an offender: (i) With no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state; and (ii) who has not victimized any person other than the person who was victimized by the current offense, regardless of whether the offender was subject to criminal charges for such victimization.

(d) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider as defined in RCW 18.155.020.

(e) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

(f) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative for sex offenses against children if:

(a) The offender has been convicted of any of the following offenses:

(i) Rape of a child in the third degree (RCW 9A.44.079);

(ii) Child molestation in the second degree (RCW 9A.44.086);

(iii) Child molestation in the third degree (RCW 9A.44.089); or

(iv) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);

(b) The offender is the immediate victim's family member;

(c) The offender is a first-time offender;

(e) The offender has no prior convictions for a violent offense that was committed within five years of the current offense;

(f) The victim of the offense has not suffered substantial bodily harm; and

(g) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) The court on its own motion may order, or on a motion by the state or a victim shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. When considering the victim's opinion, the court shall provide any victim the opportunity to provide testimony to the court. If the court imposes a sentence that is contrary to any victim's opinion, it shall enter written findings stating its reason for imposing such a sentence. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of

sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall order the offender to serve a term of total confinement of twelve months and one day in an institution operated by, or utilized under contract with, the department. An offender serving a term of confinement under this subsection is not eligible for earned release credits under RCW 9.94A.728.

(b) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with the following conditions:

(i) Crime-related prohibitions;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(iv) Reimburse the victim for the cost of any counseling required as a result of the offender's crime;

(v) Refrain from possessing or consuming alcohol or controlled substances except pursuant to lawfully issued prescriptions;

(vi) Refrain from possessing, viewing, or listening to pornography;

(vii) Refrain from having direct or indirect contact with children and refrain from being in a location where groups of children normally congregate; and

(viii) Any other conditions imposed by the department under RCW 9.94A.720.

(c) The court shall order treatment for any period up to seven years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Require the offender to devote time to a specific employment or occupation;

(b) Report as directed to the court and a community corrections officer; or

(c) Perform community restitution work.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment.

(8) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court shall order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (4) of this section. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in three-year increments for up to the remaining period of community custody.

(9)(a) If a violation of the mandatory conditions imposed under subsection (4)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsections (6) and (8) of this section.

(b) If a violation of the conditions imposed under subsection (5) of this section occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(10)(a) The court shall revoke the suspended sentence during the period of community custody and order execution of the sentence if: (i) The offender violates any of the mandatory conditions of the suspended sentence imposed under subsection (4)(b)(v) or (vi) of this section; or (ii) the offender violates any of the mandatory conditions imposed under subsection (4)(b)(i) through (iv), (vii), or (viii) of this section, and the offender has a

previous violation of any of the mandatory conditions of the suspended sentence imposed under subsection (4)(b)(i) through (iv), (vii), or (viii) of this section.

(b) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (i) The offender violates the conditions of the suspended sentence imposed under subsection (5) of this section; (ii) the offender violates the mandatory conditions of the suspended sentence imposed under subsection (4)(b)(i) through (iv), (vii), or (viii) of this section and the offender has no previous violation of any of the mandatory conditions of the suspended sentence imposed under subsection (4)(b)(i) through (iv), (vii), or (viii) of this section; or (iii) the court finds that the offender is failing to make satisfactory progress in treatment.

(c) All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section. Examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

Sec. 2. RCW 9.94A.670 and 2002 c 175 s 11 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider as defined in RCW 18.155.020.

(b) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, or 9A.44.093 or a sex offense that is also a serious violent offense;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state; and

(c) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

(b) The court shall order treatment for any period up to three years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Up to six months of confinement, not to exceed the sentence range of confinement for that offense;

(b) Crime-related prohibitions;

(c) Require the offender to devote time to a specific employment or occupation;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer;

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(g) Perform community restitution work; or

(h) Reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(8) Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. Either party may request, and the court may order, another evaluation regarding the advisability of termination from treatment. The offender shall pay the cost of any additional evaluation ordered unless the court finds the offender to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment for up to the remaining period of community custody.

(9) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) Examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

Sec. 3. RCW 18.155.050 and 1990 c 3 s 805 are each amended to read as follows:

(1) The sexual offender treatment providers advisory committee is established to advise the secretary concerning the administration of this chapter and conduct reviews of the special sex offender sentencing alternative under section 6 of this act.

(2) The secretary shall appoint the members of the advisory committee who shall consist of the following persons:

- (a) One superior court judge;
- (b) ~~((Three))~~ One sexual offender treatment ~~((providers))~~ provider;
- (c) One mental health practitioner who specializes in treating victims of sexual assault;
- (d) One defense attorney with experience in representing persons charged with sexual offenses;
- (e) One representative from the Washington association of prosecuting attorneys;
- (f) The secretary of the department of social and health services or his or her designee;
- (g) The secretary of the department of corrections or his or her designee;
- (h) One person representing a statewide organization that advocates on behalf of victims of sexual

assault.

The secretary shall develop and implement the certification procedures with the advice of the committee by July 1, 1991. Following implementation of these procedures by the secretary, the committee shall be a permanent body. The members shall serve staggered six-year terms, to be set by the secretary. No person other than the members representing the departments of social and health services and corrections may serve more than two consecutive terms.

The secretary may remove any member of the advisory committee for cause as specified by rule. In a case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(3) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The committee shall elect officers as deemed necessary to administer its duties. A simple majority of the committee members currently serving shall constitute a quorum of the committee.

(5) Members of the advisory committee shall be residents of this state. The members who are sex offender treatment providers must have a minimum of five years of extensive work experience in treating sex offenders to qualify for appointment to the initial committee, which shall develop and implement the certification program. After July 1, 1991, the sex offender treatment providers on the committee must be certified pursuant to this chapter.

(6) The committee shall meet at times as necessary to conduct committee business.

NEW SECTION. Sec. 4. A new section is added to chapter 18.155 RCW to read as follows:

(1) The sexual offender treatment providers advisory committee shall conduct a review every six months of the efficacy of the special sex offender sentencing alternative established under RCW 9.94A.670.

(2) When conducting its review, the committee shall consider:

- (a) Recidivism rates of offenders receiving treatment under the sentencing alternative compared to recidivism rates for sex offenders in general;
- (b) The amenability to treatment of offenders receiving the sentencing alternative;
- (c) The number of successful treatment outcomes for offenders receiving treatment under the sentencing alternative compared to the number of successful treatment outcomes for sex offenders in general;
- (d) The impacts of the sentencing alternative on victims and families; and
- (e) The outcomes and usage of the sentencing alternative in light of the original purposes of the alternative.

(3) The committee shall make recommendations on its findings and ways to improve the special sex offender sentencing alternative to the appropriate standing committees of the legislature at least twice a year.

NEW SECTION. Sec. 5. The sum of one million seven hundred forty-seven thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state to the department of corrections solely for the purposes of:

- (1) Providing specialized training to community corrections officers regarding the supervision of sex offenders in the community; and
- (2) Reducing the caseloads of community corrections officers who supervise sex offenders in the community.

NEW SECTION. Sec. 6. The sum of one hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state to the department of community, trade, and economic development solely for the purposes of distribution to sexual assault victims programs.

NEW SECTION. Sec. 7. This act may be known and cited as the child protection act of 2004.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 9.** This act takes effect July 1, 2004."

Correct the title.

Representative O'Brien moved the adoption of amendment (1140) to amendment (1078):

On page 1, beginning on line 3 of the amendment, strike all material through "2004." on page 13, line 33, and insert the following:

(1) The legislature finds that sex offenses against children are among the most heinous of crimes and that the legislature has a paramount duty to protect children from victimization by sex offenders. Sentencing policy in Washington state should ensure that punishment of sex offenders is pursued to the extent that such punishment does not jeopardize the safety of children or hinder the successful prosecution of sex offenses against children. The special sex offender sentencing alternative was enacted in 1984 to protect victims of sexual assault. A 1991 evaluation of the effectiveness of the sentencing alternative concluded that it accurately selected sex offenders who, with supervision and treatment, reoffend at lower rates and that the use of the sentencing alternative does not increase risk to the community. Today, strong support for the special sex offender sentencing alternative continues among advocates for children who are victims of sexual assault and prosecutors who prosecute sex offenses against children.

(2) The legislature further finds that several weaknesses in the structure and administration of the special sex offender sentencing alternative have been identified and should be addressed. In addition, a comprehensive analysis and evaluation of the special sex offender sentencing alternative is needed to ensure that efforts to reform the sentencing alternative do not result in jeopardizing the safety of children or hindering the successful prosecution of sex offenses against children.

(3) The legislature intends to protect children from victimization by sex offenders by taking immediate action to increase punishment for the most serious sex offenses against children, making immediate changes in the special sex offender sentencing alternative to address known weaknesses in the program, and thoroughly evaluating the effectiveness of the special sex offender sentencing alternative to determine whether additional changes are needed to further increase the protection of children from victimization by sex offenders.

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)
XVI

Homicide by abuse (RCW 9A.32.055)
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)
XIV

Trafficking 1 (RCW 9A.40.100(1))

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Rape of a Child 1 when offender is at least eighteen years of age when charged (RCW 9A.44.073)

Rape of a Child 2 when offender is at least eighteen years of age when charged (RCW 9A.44.076)

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 when offender is under eighteen years of age when charged, but subject to adult felony prosecution because the juvenile court lacks jurisdiction under RCW 13.04.030, or has declined jurisdiction under RCW 13.40.110 (RCW 9A.44.073)

Trafficking 2 (RCW 9A.40.100(2))

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 when offender is under eighteen years of age when charged, but subject to adult felony prosecution because the juvenile court lacks jurisdiction under RCW 13.04.030, or has declined jurisdiction under RCW 13.40.110 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of
intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a
reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a
reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW
70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)
V

Advancing money or property for extortionate extension of
credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040,
10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110,
26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW
9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction
(RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care
service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health
maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW
48.15.023(3))

Unlicensed practice as an insurance professional (RCW
48.17.063(3))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1)
and (2))

Vehicular Assault, by being under the influence of intoxicating
liquor or any drug, or by the operation or driving of a vehicle
in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle
(RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of
death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW
9.41.040(2))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction
(RCW 9A.56.290(4)(a))

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW
18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW
I 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance
Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

(1) This section applies exclusively to:

(a) Offenders who are at least eighteen years old when they are charged with crimes committed prior to the effective date of this act; and

(b) Offenders who are less than eighteen years old when they are charged, but are subject to adult felony prosecution because the juvenile court lacks jurisdiction under RCW 13.04.030, or has declined jurisdiction under RCW 13.40.110, prior to, on, or after the effective date of this act.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider as defined in RCW 18.155.020.

(b) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

~~((2))~~ (3) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state; and

(c) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

~~((3))~~ (4) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

~~((4))~~ (5) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

(b) The court shall order treatment for any period up to three years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

~~((5))~~ (6) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Up to six months of confinement, not to exceed the sentence range of confinement for that offense;

(b) Crime-related prohibitions;

(c) Require the offender to devote time to a specific employment or occupation;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer;

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(g) Perform community restitution work; or

(h) Reimburse the victim for the cost of any counseling required as a result of the offender's crime.

~~((6))~~ (7) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

~~((7))~~ (8) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

~~((8))~~ (9) Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. Either party may request, and the court may order, another evaluation regarding the advisability of termination from treatment. The offender shall pay the cost of any additional evaluation ordered unless the court finds the offender to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment for up to the remaining period of community custody.

~~((9))~~ (10) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections ~~((6))~~ (7) and ~~((8))~~ (9) of this section.

~~((10))~~ (11) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

~~((11))~~ (12) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (4) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

~~((12))~~ (13) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

(1) This section applies exclusively to offenders who are at least eighteen years old when they are charged with crimes committed on or after the effective date of this act.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider as defined in RCW 18.155.020.

(b) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

(c) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(3) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state;

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

- (d) The offense did not result in substantial bodily harm to the victim;
- (e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; and
- (f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(4) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

- (i) The offender's version of the facts and the official version of the facts;
- (ii) The offender's offense history;
- (iii) An assessment of problems in addition to alleged deviant behaviors;
- (iv) The offender's social and employment situation; and
- (v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (i) Frequency and type of contact between offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions, which must include an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(5) After receipt of the reports, if the offender's conviction is for a violation of RCW 9A.44.073, 9A.44.076, or 9A.44.083, the prosecutor shall recommend to the court whether the offender should or should not receive a sentencing alternative under this section. When making his or her recommendation, the prosecutor shall consider whether the victim's testimony is essential for successful prosecution, whether the victim is willing to provide credible testimony at trial and sentencing, and whether there are additional chargeable cases against the offender based upon the existence of multiple victims. The court may not impose a sentencing alternative under this section if the prosecutor has recommended that the offender should not receive such a sentencing alternative.

(6) After receipt of the reports, unless the imposition of a sentencing alternative under this section is prohibited under subsection (5) of this section, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall order the offender to serve a term of confinement of twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in RCW 9.94A.535(2). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

(b) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

(c) The court shall order treatment for any period up to five years in duration. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first

notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(d) As conditions of the suspended sentence, the court shall impose specific prohibitions relating to the precursor activities or behaviors identified in the proposed treatment plan under subsection (4)(b)(v) of this section.

(7) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Crime-related prohibitions;

(b) Require the offender to devote time to a specific employment or occupation;

(c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(d) Require the offender to report as directed to the court and a community corrections officer;

(e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(f) Require the offender to perform community restitution work; or

(g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(8) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(9)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody or revoke the suspended sentence.

(10) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court shall order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection (6) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (6) of this section. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

(11)(a) If a violation of conditions other than a second violation of the prohibitions relating to precursor behaviors or activities imposed under subsection (6)(d) of this section occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (8) and (10) of this section.

(b) If a second violation of the prohibitions relating to precursor behaviors or activities imposed under subsection (6)(d) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection (12) of this section.

(12) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(13) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (4) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(1) Except as provided in subsection (2) of this section, the sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(2) An offender serving a term of confinement imposed under section 4(6)(a) of this act is not eligible for earned release credits under this section.

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

- (A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;
- (B) Is not confined pursuant to a sentence for:
 - (I) A sex offense;
 - (II) A violent offense;
 - (III) A crime against persons as defined in RCW 9.94A.411;
 - (IV) A felony that is domestic violence as defined in RCW 10.99.020;
 - (V) A violation of RCW 9A.52.025 (residential burglary);
 - (VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or
 - (VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); and
- (C) Has no prior conviction for:
 - (I) A sex offense;
 - (II) A violent offense;
 - (III) A crime against persons as defined in RCW 9.94A.411;
 - (IV) A felony that is domestic violence as defined in RCW 10.99.020;
 - (V) A violation of RCW 9A.52.025 (residential burglary);
 - (VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or
 - (VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW

9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

(e) An offender serving a term of confinement imposed under section 4(6)(a) of this act is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from

total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

(1) The Washington state institute for public policy shall conduct a comprehensive analysis and evaluation of the impact and effectiveness of current sex offender sentencing policies. The institute shall analyze and evaluate the effectiveness of sex offender policies and programs, including the special sex offender sentencing alternative, the department of corrections' treatment program for offenders in prison, and the validity of the risk assessment conducted by the end of sentence review committee prior to release from prison. Using detailed information from offender files and court records, and research conducted in Washington state and other states and nations, the analysis shall examine whether changes to sentencing policies and sex offender programming can increase public safety.

(2) The analysis of the special sex offender sentencing alternative shall specifically evaluate the impact of the sentencing alternative on protection of children from sexual victimization, reporting of sex offenses against children, prosecution of sex offenses against children, appropriate punishment of perpetrators of sex offenses against children, and child sex offense recidivism rates. At a minimum, the institute shall review the following issues to determine whether modifications in the sentencing alternative will increase its effectiveness with respect to protecting children from sexual victimization, successfully prosecuting sex offenses against children, and appropriately punishing perpetrators of sex offenses against children:

(a) Eligibility for the sentencing alternative, including whether the commission of certain types of offenses should render an offender ineligible, whether the disclosure of multiple victims in the course of evaluating an offender should render an offender ineligible, and whether the sentencing alternative should be limited to offenses within families;

(b) Minimum terms of incarceration, including imprisonment at a state facility;

(c) Appropriate conditions or restrictions that should be placed on offenders who receive a sentence alternative; and

(d) Standards for revocation of a sentencing alternative suspended sentence.

(3) The institute shall report its results and recommendations to the appropriate standing committees of the legislature no later than December 31, 2004.

The sum of one million two hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state to the department of corrections solely for the purposes of:

(1) Providing specialized training to community corrections officers regarding the supervision of sex offenders in the community; and

(2) Reducing the caseloads of community corrections officers who supervise sex offenders in the community.

The sum of three hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state to the department of community, trade, and economic development solely for the purposes of distribution to sexual assault victims programs.

The sum of two hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund--state to the department of community, trade, and economic development solely to reimburse counties for costs associated with the implementation of this act and shall be distributed in accordance with RCW 82.14.310.

If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

This act takes effect July 1, 2004."

Correct the title.

Representatives O'Brien, Kagi, Lovick, Dickerson, Darneille, Eickmeyer and Quall spoke in favor of the adoption of the amendment to the amendment.

Representatives McMahan, DeBolt, Ahern, Schoesler, McDonald, Alexander, Boldt, Benson, Anderson, Chandler and McMahan (again) spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (1140) to amendment (1078) to Substitute House Bill No. 2400.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1140) to amendment (1078) to Substitute House Bill No. 2400, and the amendment was adopted by the following vote: Yeas - 48, Nays - 47, Absent - 0, Excused - 3.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wood and Mr. Speaker - 48.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Lantz, McDonald, McMahan, McMorris, Mielke, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom, Wallace and Woods - 47.

Excused: Representatives Edwards, Mastin and Roach - 3.

The amendment (1078) as amended was adopted.

By the House's vote adopting the striking amendment (1078), the striking amendment (1132) was ruled out of order.

The bill was ordered engrossed.

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

Representatives McMahan, Lovick, Clements, O'Brien, Nixon, Lantz and Anderson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2400.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2400 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Ericksen and McIntire - 2.
Excused: Representatives Edwards, Mastin and Roach - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., March 5, 2004, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FIFTY THIRD DAY, MARCH 4, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 5, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Corryn Raschko and Austin Kelly. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. David James, St. John's Episcopal Church, Olympia.

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

MESSAGES FROM THE SENATE

March 4, 2004

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1589,
SUBSTITUTE HOUSE BILL NO. 2532,
HOUSE BILL NO. 2598,
SUBSTITUTE HOUSE BILL NO. 2830,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 4, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 2364,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2601,
SUBSTITUTE HOUSE BILL NO. 2685,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 2, 2004

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2483,
SUBSTITUTE HOUSE BILL NO. 3055,
SUBSTITUTE HOUSE BILL NO. 3057,
HOUSE JOINT MEMORIAL NO. 4041,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 2, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2984,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 3, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2307,
ENGROSSED HOUSE BILL NO. 2318,
HOUSE BILL NO. 2453,
HOUSE BILL NO. 2454,
SUBSTITUTE HOUSE BILL NO. 2504,
HOUSE BILL NO. 2534,
SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2575,
HOUSE BILL NO. 2577,
HOUSE BILL NO. 2612,
HOUSE BILL NO. 2683,
HOUSE BILL NO. 2703,
HOUSE BILL NO. 2859,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905,
ENGROSSED HOUSE BILL NO. 2987,
SECOND SUBSTITUTE HOUSE BILL NO. 3085,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 4, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1691,
SUBSTITUTE HOUSE BILL NO. 1867,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383,
HOUSE BILL NO. 2509,
SUBSTITUTE HOUSE BILL NO. 2781,
HOUSE BILL NO. 2817,
SUBSTITUTE HOUSE BILL NO. 2849,
SUBSTITUTE HOUSE BILL NO. 2908,
SUBSTITUTE HOUSE BILL NO. 3051,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 4, 2004

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1572,
HOUSE BILL NO. 2647,
HOUSE BILL NO. 2794,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891,
SUBSTITUTE HOUSE BILL NO. 3092,
HOUSE JOINT MEMORIAL NO. 4040,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 4, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5319,
SUBSTITUTE SENATE BILL NO. 6115,
SUBSTITUTE SENATE BILL NO. 6132,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6233,
ENGROSSED SENATE BILL NO. 6411,
SUBSTITUTE SENATE BILL NO. 6424,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 4, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5590,
SECOND SUBSTITUTE SENATE BILL NO. 5793,
SUBSTITUTE SENATE BILL NO. 6113,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,
SENATE BILL NO. 6213,
SENATE BILL NO. 6249,
SENATE BILL NO. 6254,
SENATE BILL NO. 6259,
SENATE BILL NO. 6269,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6270,
SUBSTITUTE SENATE BILL NO. 6377,
SENATE BILL NO. 6476,
SUBSTITUTE SENATE BILL NO. 6527,
SUBSTITUTE SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6568,

SUBSTITUTE SENATE BILL NO. 6600,
ENGROSSED SENATE BILL NO. 6598,
SUBSTITUTE SENATE BILL NO. 6615,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2004-4702, By Representatives Newhouse and Chandler

WHEREAS, On March 9, 1854, one hundred fifty years ago this week, the Washington Territorial Government created the county of Skamania, spanning from Clark County to the Rocky Mountains in present day Montana; and

WHEREAS, We honor Skamania County as it is today, from the peak of Mt. St. Helens in the West, to the base of Mt. Adams in the East, and south to the flow of the great Columbia River; and

WHEREAS, We honor the Cascade Chinook Tribe, who inhabited this land thousands of years prior to the first white settlers of Skamania County; and

WHEREAS, We honor Lewis and Clark's Expedition, the first recorded exploration of these lands by the United States of America; and

WHEREAS, We also honor those settlers of Skamania County who arrived with their hopes and dreams laying the groundwork for the county it is today; and

WHEREAS, We honor Skamania County's breathtaking mountains, rivers, and forests, which bring thousands of tourists to this beautiful county every year to capture these picturesque scenes, as well as camp, windsurf, hike, and fish; and

WHEREAS, We honor the timber and fishing industry that have long been an essential part of Skamania County's economy; and

WHEREAS, We honor the museums and historical societies that keep the great history of Skamania County alive; and

WHEREAS, We congratulate the generations of school children and schools themselves throughout Skamania County who have made this county 2nd in the nation for the highest percentage of residents who have completed at least 12 years of school;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives call on the people of the State of Washington to recognize the county of Skamania by celebrating and commemorating in the grand manner befitting this one hundred fiftieth anniversary.

HOUSE RESOLUTION NO. 4702 was adopted.

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

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 6304, By Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Parlette, Spanel, Morton, Doumit, T. Sheldon and Rasmussen)

Providing tax relief for aluminum smelters.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was before the House for purpose of amendment. (For committee amendment(s), see Journal, 53rd Day, March 4, 2004.)

Representative Morris moved the adoption of amendment (1157) to the committee amendment:

On page 7, line 1, strike all of subsection (4)

On page 9, line 24, strike all of subsection (5)

Representatives Morris, Condotta, Cairnes and Linville spoke in favor of the adoption of the amendment to the committee amendment.

Representative McIntire spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McIntire, Armstrong, Conway, Orcutt, Morris, Ericksen, Linville, Condotta, Newhouse and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6304, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6304, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Dickerson, Moeller, Nixon and Romero - 4.

Excused: Representatives Edwards, Eickmeyer and Mastin - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6304, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 4, 2004

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2933, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 2, 2004

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 4031, and the same is herewith transmitted.

Milt H. Doumit, Secretary

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, By Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner, Reardon, Roach, Hale, Horn, Benton, Morton, Hewitt, Schmidt, Kastama, Sheahan, Mulliken, Johnson, Parlette, Stevens, West and Esser)

Resolving claims relating to condominium construction.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was not adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

With the consent of the House, amendment (1105) was withdrawn.

Representative Lantz moved the adoption of amendment (1141):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.34 RCW to read as follows:

(1) The legislature finds, declares, and determines that:

(a) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(b) The growth management act's planning goals include encouraging the availability of affordable housing for all residents of the state and promoting a variety of housing types;

(c) Quality condominium construction needs to be encouraged to achieve growth management act mandated urban densities and to ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices.

(2) It is the intent of the legislature that limited changes be made to the condominium act to ensure that a broad range of affordable homeownership opportunities continue to be available to the residents of the state, and to assist cities' and counties' efforts to achieve the density mandates of the growth management act.

Sec. 2. RCW 64.34.100 and 1989 c 43 s 1-113 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Except as otherwise provided in chapter 64.-- RCW (sections 101 through 2002 of this act) or in this subsection, any right or obligation declared by this chapter is enforceable by judicial proceeding or, if provided for in the declaration or by other agreement between the parties, by arbitration.

(3) If arbitration is provided for in the declaration with respect to claims arising under RCW 64.34.443, 64.34.445, or 64.34.450, such provision shall be binding on the association and all unit owners and may not be amended without the consent of the declarant. In any arbitration of claims arising under RCW 64.34.443, 64.34.445, or 64.34.450, the arbitrator may award reasonable attorneys' fees and costs, and arbitration fees and costs of arbitration, to the substantially prevailing party. Arbitration for claims arising under RCW 64.34.443, 64.34.445, or 64.34.450 shall be in accordance with chapter 7.06 RCW, and the mandatory arbitration rules adopted by the supreme court, to the extent consistent with this section, and except as follows:

(a) Chapter 7.06 RCW shall apply regardless of whether a county has authorized mandatory arbitration under RCW 7.06.010. No suit need be commenced in order to commence the arbitration.

(b) The monetary limitations and limitations on type of relief in RCW 7.06.020 shall not apply.

(c) Notwithstanding RCW 7.06.040, the compensation of the arbitrator shall be at the normal rate for such arbitrator in similar matters.

(d) All filings under RCW 7.06.050 shall be on the parties, not with the clerk of the court.

(e) Unless otherwise agreed by the parties, the arbitration hearing shall be conducted in the county in which the condominium is located.

(f) For purposes of RCW 64.34.452, the commencement of an arbitration proceeding under this section shall be deemed to be the equivalent of the commencement of a judicial proceeding.

Sec. 3. RCW 64.34.324 and 1992 c 220 s 16 are each amended to read as follows:

(1) Unless provided for in the declaration, the bylaws of the association shall provide for:

(a) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(b) Election by the board of directors of such officers of the association as the bylaws specify;

(c) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(d) Which of its officers may prepare, execute, certify, and record amendments to the declaration on behalf of the association; ~~((and))~~

(e) The method of amending the bylaws; and

(f) A statement of the standard of care for officers and members of the board of directors imposed by RCW 64.34.308(1).

(2) Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

(3) In determining the qualifications of any officer or director of the association, notwithstanding the provision of RCW 64.34.020(32) the term "unit owner" in such context shall, unless the declaration or bylaws otherwise provide, be deemed to include any director, officer, partner in, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner. Any officer or director of the association who would not be eligible to serve as such if he or she were not a director, officer, partner in, or trustee of such a person shall be disqualified from continuing in office if he or she ceases to have any such affiliation with that person, or if that person would have been disqualified from continuing in such office as a natural person.

Sec. 4. RCW 64.34.425 and 1992 c 220 s 23 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; ~~((and))~~

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association; and

(r) A statement, as required by section 301 of this act, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty.

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(l), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 5. RCW 64.34.445 and 1992 c 220 s 26 are each amended to read as follows:

(1) A declarant and any dealer warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear and damage by casualty or condemnation excepted.

(2) A declarant and any dealer impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

(a) Free from defective materials; ~~((and))~~

(b) Constructed in accordance with sound engineering and construction standards~~((, and))~~;

(c) Constructed in a workmanlike manner; and

(d) Constructed in compliance with all laws then applicable to such improvements.

(3) A declarant and any dealer warrants to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed by this section may be excluded or modified as specified in RCW 64.34.450.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant, as defined in RCW 64.34.020(1), are made or contracted for by the declarant.

(6) Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality.

(7) In a judicial proceeding or arbitration for breach of any of the obligations arising under this section, the plaintiff must show that the alleged breach has adversely affected or will adversely affect the performance of that portion of the unit or common elements alleged to be in breach. As used in this subsection, an "adverse effect" must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the unit or common element uninhabitable or unfit for its intended purpose.

(8) Proof of breach of any obligation arising under this section is not proof of damages. Damages awarded for a breach of an obligation arising under this section are the cost of repairs. However, if it is established that the cost of such repairs is clearly disproportionate to the loss in market value caused by the breach, then damages shall be limited to the loss in market value.

Sec. 6. RCW 64.34.450 and 1989 c 43 s 4-113 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) of this section))~~ For units intended for nonresidential use, implied warranties of quality:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(2) ~~((With respect to a purchaser of a unit that may be occupied))~~ For units intended for residential use, no ~~((general))~~ disclaimer of implied warranties of quality is effective, ~~((but))~~ except that a declarant ~~((and any))~~ or dealer may disclaim liability in ~~((an instrument))~~ writing, in type that is bold faced, capitalized, underlined, or otherwise set out from surrounding material so as to be conspicuous, and separately signed by the purchaser, for a specified defect or specified failure to comply with applicable law, if: (a) The declarant or dealer knows or has reason to know that the specific defect or failure ~~((entered into and became a part of the basis of the bargain))~~ exists at the time of disclosure; (b) the disclaimer specifically describes the defect or failure; and (c) the disclaimer includes a statement as to the effect of the defect or failure.

(3) A declarant or dealer may offer an express written warranty of quality only if the express written warranty does not reduce protections provided to the purchaser by the implied warranty set forth in RCW 64.34.445.

Sec. 7. RCW 64.34.452 and 2002 c 323 s 11 are each amended to read as follows:

(1) A judicial proceeding or arbitration for breach of any obligations arising under RCW 64.34.443 ~~((and)), 64.34.445, and 64.34.450~~ must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing ~~((an action))~~ a judicial proceeding or arbitration for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such periods may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section. An arbitration is deemed commenced on delivery of a demand for arbitration. Any demand for arbitration shall be delivered by certified mail, return receipt requested, and by ordinary first class mail, or, in the case of persons not resident in the United States of America, by such other comparable form of mailed notice as is reasonably available. The party initiating the arbitration shall address such a notice to the address last known to the initiating party in the exercise of reasonable diligence, and also, in the case of any entity that is required to have a registered agent in the state of Washington, to the address of such a registered agent. Demand for arbitration shall be deemed delivered three days after the postmark date. "Judicial proceeding" as used in this section does not refer to a trial de novo appeal of an arbitration decision and award.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

(5) Nothing in this section affects the time for filing a claim under chapter 64.-- RCW (sections 101 through 2002 of this act).

NEW SECTION. Sec. 8. (1) A committee is established to study the required use of independent third-party inspections of residential condominiums as a way to reduce the problem of water penetration in residential condominiums.

(2) The committee consists of the following members who shall be persons with experience and expertise in condominium law and condominium construction:

(a) A member, who shall be the chair of the committee, to be appointed by the governor;

(b) Two members to be appointed by the majority leader of the senate; and

(c) Two members to be appointed by the speaker of the house of representatives.

(3) The committee shall:

(a) Examine the problem of water penetration of condominiums and the efficacy of requiring independent third-party inspections of condominiums, including plan inspection and inspection during construction, as a way to reduce the problem of water penetration;

(b) Deliver to the judiciary committees of the senate and house of representatives, not later than December 31, 2004, a report of the findings and conclusions of the committee, and any proposed legislation implementing third-party water penetration inspections.

Sec. 9. RCW 64.34.020 and 1992 c 220 s 2 are each amended to read as follows:

In the declaration and bylaws, unless specifically provided otherwise or the context requires otherwise, and in this chapter:

(1) "Affiliate ~~((of a declarant))~~" means any person who controls, is controlled by, or is under common control with ~~((a declarant))~~ the referenced person. A person "controls" ~~((a declarant))~~ another person if the person: (a) Is a general partner, officer, director, or employer of the ~~((declarant))~~ referenced person; (b) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the ~~((declarant))~~ referenced person; (c) controls in any manner the election of a majority of the directors of the ~~((declarant))~~ referenced person; or (d) has contributed more than twenty percent of the capital of the ~~((declarant))~~ referenced person. A person "is controlled by" ~~((a declarant))~~ another person if the ~~((declarant))~~ other person:

(i) Is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote,

or holds proxies representing, more than twenty percent of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent of the capital of the person. Control does not exist if the powers described in this subsection are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the undivided interest in the common elements, the common expense liability, and votes in the association allocated to each unit.

(3) "Assessment" means all sums chargeable by the association against a unit including, without limitation: (a) Regular and special assessments for common expenses, charges, and fines imposed by the association; (b) interest and late charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of a delinquent owner's account.

(4) "Association" or "unit owners' association" means the unit owners' association organized under RCW 64.34.300.

(5) "Board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.

(6) "Common elements" means all portions of a condominium other than the units.

(7) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(8) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.34.224.

(9) "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

(10) "Conversion condominium" means a condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in (b) of this subsection; or (b) that, at any time within twelve months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before July 1, 1990, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

(11) "Conveyance" means any transfer of the ownership of a unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold condominium, a transfer by lease or assignment thereof, but shall not include a transfer solely for security.

(12) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a condominium or fifty percent or more of the units in a condominium containing more than two units.

(13) "Declarant" means ~~((any person or group of persons acting in concert who))~~;

(a) Any person who executes as declarant a declaration as defined in subsection (15) of this section~~((?))~~;

or
(b) ~~((reserves or succeeds to any special declarant right under))~~ Any person who reserves any special declarant right in the declaration; or

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred;

or
(d) Any person who is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument.

(14) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint and remove officers and members of the board of directors, or to veto or approve a proposed action of the board or association, pursuant to RCW 64.34.308 (4) or (5).

(15) "Declaration" means the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document.

(16) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to: (a) Add real property or improvements to a condominium; (b) create units, common elements, or limited common elements within real property included or added to a condominium; (c) subdivide units or convert units into common elements; (d) withdraw real property from a condominium; or (e) reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(17) "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a unit, but does not include the transfer or release of a security interest.

(18) "Eligible mortgagee" means the holder of a mortgage on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(19) "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

(20) "Identifying number" means the designation of each unit in a condominium.

(21) "Leasehold condominium" means a condominium in which all or a portion of the real property is subject to a lease, the expiration or termination of which will terminate the condominium or reduce its size.

(22) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of RCW 64.34.204 (2) or (4) for the exclusive use of one or more but fewer than all of the units.

(23) "Master association" means an organization described in RCW 64.34.276, whether or not it is also an association described in RCW 64.34.300.

(24) "Mortgage" means a mortgage, deed of trust or real estate contract.

(25) "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

(26) "Purchaser" means any person, other than a declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a unit other than (a) a leasehold interest, including renewal options, of less than twenty years at the time of creation of the unit, or (b) as security for an obligation.

(27) "Real property" means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom, usage, or law pass with a conveyance of land although not described in the contract of sale or instrument of conveyance. "Real property" includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water.

(28) "Residential purposes" means use for dwelling or recreational purposes, or both.

(29) "Special declarant rights" means rights reserved for the benefit of a declarant to: (a) Complete improvements indicated on survey maps and plans filed with the declaration under RCW 64.34.232; (b) exercise any development right under RCW 64.34.236; (c) maintain sales offices, management offices, signs advertising the condominium, and models under RCW 64.34.256; (d) use easements through the common elements for the purpose of making improvements within the condominium or within real property which may be added to the condominium under RCW 64.34.260; (e) make the condominium part of a larger condominium or a development under RCW 64.34.280; (f) make the condominium subject to a master association under RCW 64.34.276; or (g) appoint or remove any officer of the association or any master association or any member of the board of directors, or to veto or approve a proposed action of the board or association, during any period of declarant control under RCW 64.34.308(4).

(30) "Timeshare" shall have the meaning specified in the timeshare act, RCW 64.36.010(11).

(31) "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). "Separate ownership" includes leasing a unit in a leasehold condominium under a lease that expires contemporaneously with any lease, the expiration or termination of which will remove the unit from the condominium.

(32) "Unit owner" means a declarant or other person who owns a unit or leases a unit in a leasehold condominium under a lease that expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person who has an interest in a unit solely as security for an obligation. "Unit owner" means the vendee, not the vendor, of a unit under a real estate contract.

Sec. 10. RCW 64.34.312 and 1989 c 43 s 3-104 are each amended to read as follows:

(1) Within sixty days after the termination of the period of declarant control provided in RCW 64.34.308(4) or, in the absence of such period, within sixty days after the first conveyance of a unit in the condominium, the declarant shall deliver to the association all property of the unit owners and of the association held or controlled by the declarant including, but not limited to:

(a) The original or a photocopy of the recorded declaration and each amendment to the declaration;

(b) The certificate of incorporation and a copy or duplicate original of the articles of incorporation of the association as filed with the secretary of state;

(c) The bylaws of the association;

(d) The minute books, including all minutes, and other books and records of the association;

(e) Any rules and regulations that have been adopted;

(f) Resignations of officers and members of the board who are required to resign because the declarant is required to relinquish control of the association;

(g) The financial records, including canceled checks, bank statements, and financial statements of the association, and source documents from the time of incorporation of the association through the date of transfer of control to the unit owners;

(h) Association funds or the control of the funds of the association;

(i) All tangible personal property of the association, represented by the declarant to be the property of the association or ostensibly the property of the association, and an inventory of the property;

(j) Except for alterations to a unit done by a unit owner other than the declarant, a copy of the declarant's plans and specifications utilized in the construction or remodeling of the condominium, with a certificate of the declarant or a licensed architect or engineer that the plans and specifications represent, to the best of their knowledge and belief, the actual plans and specifications utilized by the declarant in the construction or remodeling of the condominium;

(k) Insurance policies or copies thereof for the condominium and association;

(l) Copies of any certificates of occupancy that may have been issued for the condominium;

(m) Any other permits issued by governmental bodies applicable to the condominium in force or issued within one year before the date of transfer of control to the unit owners;

(n) All written warranties that are still in effect for the common elements, or any other areas or facilities which the association has the responsibility to maintain and repair, from the contractor, subcontractors, suppliers, and manufacturers and all owners' manuals or instructions furnished to the declarant with respect to installed equipment or building systems;

(o) A roster of unit owners and eligible mortgagees and their addresses and telephone numbers, if known, as shown on the declarant's records and the date of closing of the first sale of each unit sold by the declarant;

(p) Any leases of the common elements or areas and other leases to which the association is a party;

(q) Any employment contracts or service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have an obligation or a responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service; ~~((and))~~

(r) A copy of any qualified warranty issued to the association as provided for in section 1001 of this act;
and

(s) All other contracts to which the association is a party.

(2) Upon the transfer of control to the unit owners, the records of the association shall be audited as of the date of transfer by an independent certified public accountant in accordance with generally accepted auditing standards unless the unit owners, other than the declarant, by two-thirds vote elect to waive the audit. The cost of the audit shall be a common expense unless otherwise provided in the declaration. The accountant performing the audit shall examine supporting documents and records, including the cash disbursements and related paid invoices, to determine if expenditures were for association purposes and the billings, cash receipts, and related records to determine if the declarant was charged for and paid the proper amount of assessments.

Sec. 11. RCW 64.34.410 and 2002 c 323 s 10 are each amended to read as follows:

(1) A public offering statement shall contain the following information:

(a) The name and address of the condominium;

(b) The name and address of the declarant;

(c) The name and address of the management company, if any;

(d) The relationship of the management company to the declarant, if any;

(e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;

(f) The nature of the interest being offered for sale;

(g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;

(h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;

(i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;

(j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;

(k) A list of the limited common elements assigned to the units being offered for sale;

(l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;

(m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;

(n) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(o) The estimated current common expense liability for the units being offered;

(p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;

(q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;

(r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;

(s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;

(t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;

(u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;

(v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;

(w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;

(x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);

(y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;

(z) A brief description of any construction warranties to be provided to the purchaser;

(aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;

(bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;

(cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;

(dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;

(ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;

(ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);

(gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;

(hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;

(ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;

(jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;

(kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; ~~(and)~~

(ll) A notice that is substantially in the form required by RCW 64.50.050; and

(mm) A statement, as required by section 301 of this act, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, and the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

Sec. 12. RCW 64.50.010 and 2002 c 323 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Action" means any arbitration, civil lawsuit, or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction of a residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect. Commencing an action means commencing an arbitration, lawsuit, or action.

(2) "Association" means an association, master association, or subassociation as defined and provided for in RCW 64.34.020(4), 64.34.276, 64.34.278, and 64.38.010(1).

(3) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

(4) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in RCW 64.34.020(12) and a declarant as defined in RCW 64.34.020(13), performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

(5) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

(6) "Residence" means a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW 64.34.020(6) and common areas as defined in RCW 64.38.010(4).

(7) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

(8) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

Sec. 13. RCW 64.50.020 and 2002 c 323 s 3 are each amended to read as follows:

(1) In every construction defect action brought against a construction professional, the claimant shall, no later than forty-five days before (~~file~~) commencing an action, serve written notice of claim on the construction professional. The notice of claim shall state that the claimant asserts a construction defect claim against the construction professional and shall describe the claim in reasonable detail sufficient to determine the general nature of the defect.

(2) Within twenty-one days after service of the notice of claim, the construction professional shall serve a written response on the claimant by registered mail or personal service. The written response shall:

(a) Propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection (2)(b) to compromise and settle a homeowner's claim may include, but is not limited to, an express offer to purchase the claimant's residence that is the subject of the claim, and to pay the claimant's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

(3)(a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection (2) of this section, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2) of this section, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection, the claimant may bring an action against

the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at anytime thereafter the construction professional may terminate the proposal or offer by serving written notice to the claimant, and the claimant may thereafter bring an action against the construction professional for the construction defect claim described in the notice of claim.

(4)(a) If the claimant elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to subsection (2)(a) of this section, the claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to inspect the premises and the claimed defect.

(b) Within fourteen days following completion of the inspection, the construction professional shall serve on the claimant:

(i) A written offer to remedy the construction defect at no cost to the claimant, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect described in the claim, and a timetable for the completion of such construction;

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

(c) If the construction professional does not proceed further to remedy the construction defect within the agreed timetable, or if the construction professional fails to comply with the provisions of (b) of this subsection, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(d) If the claimant rejects the offer made by the construction professional pursuant to (b)(i) or (ii) of this subsection to either remedy the construction defect or to compromise and settle the claim by monetary payment, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection notice, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to (b)(i) or (ii) of this subsection, then at anytime thereafter the construction professional may terminate the offer by serving written notice to the claimant.

(5)(a) Any claimant accepting the offer of a construction professional to remedy the construction defect pursuant to subsection (4)(b)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after receipt of the offer, and no later than thirty days after receipt of the offer. The claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The claimant and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

(6) Any action commenced by a claimant prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the claimant has complied with the requirements of this section.

(7) Nothing in this section may be construed to prevent a claimant from commencing an action on the construction defect claim described in the notice of claim if the construction professional fails to perform the construction agreed upon, fails to remedy the defect, or fails to perform by the timetable agreed upon pursuant to subsection (2)(a) or (5) of this section.

(8) Prior to commencing any action alleging a construction defect, or after the dismissal of any action without prejudice pursuant to subsection (6) of this section, the claimant may amend the notice of claim to include construction defects discovered after the service of the original notice of claim, and must otherwise comply with the requirements of this section for the additional claims. The service of an amended notice of claim shall relate back to the original notice of claim for purposes of tolling statutes of limitations and repose. Claims for defects discovered after the commencement or recommencement of an action may be added to such action only after providing notice to the construction professional of the defect and allowing for response under subsection (2) of this section.

NEW SECTION. Sec. 14. Sections 2, 5, and 6 of this act apply only to condominiums created by declarations recorded on or after July 1, 2004.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act take effect July 1, 2004.

ARTICLE 1 GENERAL PROVISIONS

NEW SECTION. Sec. 101. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Affiliate" has the meaning in RCW 64.34.020.
- (2) "Association" has the meaning in RCW 64.34.020.
- (3) "Building envelope" means the assemblies, components, and materials of a building that are intended to separate and protect the interior space of the building from the adverse effects of exterior climatic conditions.
- (4) "Common element" has the meaning in RCW 64.34.020.
- (5) "Condominium" has the meaning in RCW 64.34.020.
- (6) "Construction professional" has the meaning in RCW 64.50.010.
- (7) "Conversion condominium" has the meaning in RCW 64.34.020.
- (8) "Declarant" has the meaning in RCW 64.34.020.
- (9) "Declarant control" has the meaning in RCW 64.34.020.
- (10) "Defect" means any aspect of a condominium unit or common element which constitutes a breach of the implied warranties set forth in RCW 64.34.445.
- (11) "Limited common element" has the meaning in RCW 64.34.020.
- (12) "Material" means substantive, not simply formal; significant to a reasonable person; not trivial or insignificant. When used with respect to a particular construction defect, "material" does not require that the construction defect render the unit or common element unfit for its intended purpose or uninhabitable.
- (13) "Mediation" means a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.
- (14) "Mediation session" means a meeting between two or more parties to a dispute during which they are engaged in mediation.
- (15) "Mediator" means a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.
- (16) "Person" has the meaning in RCW 64.34.020.
- (17) "Public offering statement" has the meaning in RCW 64.34.410.
- (18) "Qualified insurer" means an entity that holds a certificate of authority under RCW 48.05.030, or an eligible insurer under chapter 48.15 RCW.
- (19) "Qualified warranty" means an insurance policy issued by a qualified insurer that complies with the requirements of this chapter. A qualified warranty includes coverage for repair of physical damage caused by the defects covered by the qualified warranty, except to the extent of any exclusions and limitations under this chapter.
- (20) "Resale certificate" means the statement to be delivered by the association under RCW 64.34.425.
- (21) "Transition date" means the date on which the declarant is required to deliver to the association the property of the association under RCW 64.34.312.
- (22) "Unit" has the meaning in RCW 64.34.020.
- (23) "Unit owner" has the meaning in RCW 64.34.020.

ARTICLE 2 EXCLUSIVE REMEDY AND PROCEDURE IN CASES WHERE A QUALIFIED WARRANTY IS PROVIDED

NEW SECTION. Sec. 201. No declarant, affiliate of a declarant, or construction professional is liable to a unit owner or an association for damages awarded for repair of construction defects and resulting physical damage, and chapter 64.50 RCW shall not apply if: (1) Every unit is the subject of a qualified warranty; and (2) the association has been issued a qualified warranty with respect to the common elements. If a construction professional agrees on terms satisfactory to the qualified insurer to partially or fully indemnify the qualified insurer with respect to a defect caused by the construction professional, the liability of the construction professional for the defect and resulting physical damage caused by him or her shall not exceed damages recoverable under the terms of the qualified warranty for the defect. Any indemnity claim by the qualified insurer shall be by separate action or arbitration, and no unit owner or association shall be joined therein. A qualified warranty may also be provided in the case of improvements made or contracted for by a declarant as part of a conversion condominium, and in such case, declarant's liability with respect to such improvements shall be limited as set forth in this section.

ARTICLE 3 DISCLOSURE

NEW SECTION. Sec. 301. (1) Every public offering statement and resale certificate shall affirmatively state whether or not the unit and/or the common elements are covered by a qualified warranty, and shall provide to the best knowledge of the person preparing the public offering statement or resale certificate a history of claims under the warranty.

(2) The history of claims must include, for each claim, not less than the following information for the unit and/or the common elements, as applicable, to the best knowledge of the person providing the information:

- (a) The type of claim that was made;
- (b) The resolution of the claim;
- (c) The type of repair performed;
- (d) The date of the repair;
- (e) The cost of the repair; and
- (f) The name of the person or entity who performed the repair.

ARTICLE 4 MINIMUM COVERAGE STANDARDS FOR QUALIFIED WARRANTIES

NEW SECTION. Sec. 401. TWO-YEAR MATERIALS AND LABOR WARRANTY. (1) The minimum coverage for the two-year materials and labor warranty is:

(a) In the first twelve months, for other than the common elements, (i) coverage for any defect in materials and labor; and (ii) subject to subsection (2) of this section, coverage for a violation of the building code;

(b) In the first fifteen months, for the common elements, (i) coverage for any defect in materials and labor; and (ii) subject to subsection (2) of this section, coverage for a violation of the building code;

(c) In the first twenty-four months, (i) coverage for any defect in materials and labor supplied for the electrical, plumbing, heating, ventilation, and air conditioning delivery and distribution systems; (ii) coverage for any defect in materials and labor supplied for the exterior cladding, caulking, windows, and doors that may lead to detachment or material damage to the unit or common elements; (iii) coverage for any defect in materials and labor which renders the unit unfit to live in; and (iv) subject to subsection (2) of this section, coverage for a violation of the building code.

(2) Noncompliance with the building code is considered a defect covered by a qualified warranty if the noncompliance:

- (a) Constitutes an unreasonable health or safety risk; or
- (b) Has resulted in, or is likely to result in, material damage to the unit or common elements.

NEW SECTION. Sec. 402. FIVE-YEAR BUILDING ENVELOPE WARRANTY. The minimum coverage for the building envelope warranty is five years for defects in the building envelope of a condominium, including a defect which permits unintended water penetration so that it causes, or is likely to cause, material damage to the unit or common elements.

NEW SECTION. Sec. 403. TEN-YEAR STRUCTURAL DEFECTS WARRANTY. The minimum coverage for the structural defects warranty is ten years for:

(1) Any defect in materials and labor that results in the failure of a load-bearing part of the condominium; and

(2) Any defect which causes structural damage that materially and adversely affects the use of the condominium for residential occupancy.

NEW SECTION. Sec. 404. BEGINNING DATES FOR WARRANTY COVERAGE. (1) For the unit, the beginning date of the qualified warranty coverage is the earlier of:

- (a) Actual occupancy of the unit; or
- (b) Transfer of legal title to the unit.

(2) For the common elements, the beginning date of a qualified warranty is the date a temporary or final certificate of occupancy is issued for the common elements in each separate multiunit building, comprised by the condominium.

NEW SECTION. Sec. 405. BEGINNING DATES FOR SPECIAL CASES; DECLARANT CONTROL. (1) If an unsold unit is occupied as a rental unit, the qualified warranty beginning date for such unit is the date the unit is first occupied.

(2) If the declarant subsequently offers to sell a unit which is rented, the declarant must disclose, in writing, to each prospective purchaser, the date on which the qualified warranty expires.

(3) If the declarant retains any declarant control over the association on the date that is fourteen full calendar months following the month in which the beginning date for common element warranty coverage commences, the declarant shall within thirty days thereafter cause an election to be held in which the declarant may not vote, for the purpose of electing one or more board members who are empowered to make warranty

claims. If at such time, one or more independent board members hold office, no additional election need be held, and such independent board members are empowered to make warranty claims. The declarant shall inform all independent board members of their right to make warranty claims at no later than sixteen full calendar months following the beginning date of the common element warranty.

NEW SECTION. Sec. 406. LIVING EXPENSE ALLOWANCE. (1) If repairs are required under the qualified warranty and damage to the unit, or the extent of the repairs renders the unit uninhabitable, the qualified warranty must cover reasonable living expenses incurred by the owner to live elsewhere in an amount commensurate with the nature of the unit.

(2) If a qualified insurer establishes a maximum amount per day for claims for living expenses, the limit must be the greater of one hundred dollars per day or a reasonable amount commensurate with the nature of the unit for the complete reimbursement of the actual accommodation expenses incurred by the owner at a hotel, motel, or other rental accommodation up to the day the unit is ready for occupancy, subject to the owner receiving twenty-four hours' advance notice.

NEW SECTION. Sec. 407. WARRANTY ON REPAIRS AND REPLACEMENTS. (1) All repairs and replacements made under a qualified warranty must be warranted by the qualified warranty against defects in materials and labor until the later of:

- (a) The first anniversary of the date of completion of the repair or replacement; or
- (b) The expiration of the applicable qualified warranty coverage.

(2) All repairs and replacements made under a qualified warranty must be completed in a reasonable manner using materials and labor conforming to the building code and industry standards.

ARTICLE 5 PERMITTED TERMS FOR QUALIFIED WARRANTIES

NEW SECTION. Sec. 501. A qualified insurer may include any of the following provisions in a qualified warranty:

(1) If the qualified insurer makes a payment or assumes liability for any payment or repair under a qualified warranty, the owner and association must fully support and assist the qualified insurer in pursuing any rights that the qualified insurer may have against the declarant, and any construction professional that has contractual or common law obligations to the declarant, whether such rights arose by contract, subrogation, or otherwise.

(2) Warranties or representations made by a declarant which are in addition to the warranties set forth in this chapter are not binding on the qualified insurer unless and to the extent specifically provided in the text of the warranty; and disclaimers of specific defects made by agreement between the declarant and the unit purchaser under RCW 64.34.450 act as an exclusion of the specified defect from the warranty coverage.

(3) An owner and the association must permit the qualified insurer or declarant, or both, to enter the unit at reasonable times, after reasonable notice to the owner and the association:

- (a) To monitor the unit or its components;
- (b) To inspect for required maintenance;
- (c) To investigate complaints or claims; or
- (d) To undertake repairs under the qualified warranty.

If any reports are produced as a result of any of the activities referred to in (a) through (d) of this subsection, the reports must be provided to the owner and the association.

(4) An owner and the association must provide to the qualified insurer all information and documentation that the owner and the association have available, as reasonably required by the qualified insurer to investigate a claim or maintenance requirement, or to undertake repairs under the qualified warranty.

(5) To the extent any damage to a unit is caused or made worse by the unreasonable refusal of the association, or an owner or occupant to permit the qualified insurer or declarant access to the unit for the reasons in subsection (3) of this section, or to provide the information required by subsection (4) of this section, that damage is excluded from the qualified warranty.

(6) In any claim under a qualified warranty issued to the association, the association shall have the sole right to prosecute and settle any claim with respect to the common elements.

ARTICLE 6 PERMITTED EXCLUSIONS FROM QUALIFIED WARRANTIES--GENERAL

NEW SECTION. Sec. 601. (1) A qualified insurer may exclude from a qualified warranty:

(a) Landscaping, both hard and soft, including plants, fencing, detached patios, planters not forming a part of the building envelope, gazebos, and similar structures;

(b) Any commercial use area and any construction associated with a commercial use area;

- (c) Roads, curbs, and lanes;
- (d) Subject to subsection (2) of this section, site grading and surface drainage except as required by the building code;
- (e) Municipal services operation, including sanitary and storm sewer;
- (f) Septic tanks or septic fields;
- (g) The quality or quantity of water, from either a piped municipal water supply or a well;
- (h) A water well, but excluding equipment installed for the operation of a water well used exclusively for a unit, which equipment is part of the plumbing system for that unit for the purposes of the qualified warranty.
- (2) The exclusions permitted by subsection (1) of this section do not include any of the following:
 - (a) A driveway or walkway;
 - (b) Recreational and amenity facilities situated in, or included as the common property of, a unit;
 - (c) A parking structure in a multiunit building;
 - (d) A retaining wall that:
 - (i) An authority with jurisdiction requires to be designed by a professional engineer; or
 - (ii) Is reasonably required for the direct support of, or retaining soil away from, a unit, driveway, or walkway.

ARTICLE 7 PERMITTED EXCLUSIONS--DEFECTS

NEW SECTION. Sec. 701. A qualified insurer may exclude any or all of the following items from a qualified warranty:

- (1) Weathering, normal wear and tear, deterioration, or deflection consistent with normal industry standards;
- (2) Normal shrinkage of materials caused by drying after construction;
- (3) Any loss or damage which arises while a unit is being used primarily or substantially for nonresidential purposes;
- (4) Materials, labor, or design supplied by an owner;
- (5) Any damage to the extent caused or made worse by an owner or third party, including:
 - (a) Negligent or improper maintenance or improper operation by anyone other than the declarant or its employees, agents, or subcontractors;
 - (b) Failure of anyone, other than the declarant or its employees, agents, or subcontractors, to comply with the warranty requirements of the manufacturers of appliances, equipment, or fixtures;
 - (c) Alterations to the unit, including converting nonliving space into living space or converting a unit into two or more units, by anyone other than the declarant or its employees, agents, or subcontractors while undertaking their obligations under the sales contract; and
 - (d) Changes to the grading of the ground by anyone other than the declarant or its employees, agents, or subcontractors;
- (6) An owner failing to take timely action to prevent or minimize loss or damage, including failing to give prompt notice to the qualified insurer of a defect or discovered loss, or a potential defect or loss;
- (7) Any damage caused by insects, rodents, or other animals, unless the damage results from noncompliance with the building code by the declarant or its employees, agents, or subcontractors;
- (8) Accidental loss or damage from acts of nature including, but not limited to, fire, explosion, smoke, water escape, glass breakage, windstorm, hail, lightning, falling trees, aircraft, vehicles, flood, earthquake, avalanche, landslide, and changes in the level of the underground water table which are not reasonably foreseeable by the declarant;
- (9) Bodily injury or damage to personal property or real property which is not part of a unit;
- (10) Any defect in, or caused by, materials or work supplied by anyone other than the declarant, an affiliate of a declarant, or their respective contractors, employees, agents, or subcontractors;
- (11) Changes, alterations, or additions made to a unit by anyone after initial occupancy, except those performed by the declarant or its employees, agents, or subcontractors as required by the qualified warranty or under the construction contract or sales agreement;
- (12) Contaminated soil;
- (13) Subsidence of the land around a unit or along utility lines, other than subsidence beneath footings of a unit or under driveways or walkways;
- (14) Diminution in the value of the unit.

ARTICLE 8 MONETARY LIMITS ON QUALIFIED WARRANTY COVERAGE

NEW SECTION. Sec. 801. (1) A qualified insurer may establish a monetary limit on the amount of the warranty. Any limit must not be less than:

- (a) For a unit, the lesser of (i) the original purchase price paid by the owner, or (ii) one hundred thousand dollars;
- (b) For common elements, the lesser of (i) the total original purchase price for all components of the multiunit building, or (ii) one hundred fifty thousand dollars times the number of units of the condominium.
- (2) When calculating the cost of warranty claims under the standard limits under a qualified warranty, a qualified insurer may include:
- (a) The cost of repairs;
- (b) The cost of any investigation, engineering, and design required for the repairs; and
- (c) The cost of supervision of repairs, including professional review, but excluding legal costs.
- (3) The minimum amounts in subsections (1) and (2) of this section shall be adjusted at the end of each calendar year after the effective date by an amount equal to the percentage change in the consumer price index for all urban consumers, all items, as published from time to time by the United States department of labor. The adjustment does not affect any qualified warranty issued before the adjustment date.

ARTICLE 9 PROHIBITED POLICY PROVISIONS

- NEW SECTION. Sec. 901.** (1) A qualified insurer must not include in a qualified warranty any provision that requires an owner or the association:
- (a) To sign a release before repairs are performed under the qualified warranty; or
- (b) To pay a deductible in excess of five hundred dollars for the repair of any defect in a unit covered by the qualified warranty, or in excess of the lesser of five hundred dollars per unit or ten thousand dollars in the aggregate for any defect in the common elements.
- (2) All exclusions must be permitted by this chapter and stated in the qualified warranty.

ARTICLE 10 CONSEQUENCES OF NOT PROVIDING INFORMATION

- NEW SECTION. Sec. 1001.** (1) If coverage under a qualified warranty is conditional on an owner undertaking proper maintenance, or if coverage is excluded for damage caused by negligence by the owner or association with respect to maintenance or repair by the owner or association, the conditions or exclusions apply only to maintenance requirements or procedures: (a) Provided to the original owner in the case of the unit warranty, and to the association for the common element warranty with an estimation of the required cost thereof for the common element warranty provided in the budget prepared by the declarant; or (b) that would be obvious to a reasonable and prudent layperson. Recommended maintenance requirements and procedures are sufficient for purposes of this subsection if consistent with knowledge generally available in the construction industry at the time the qualified warranty is issued.
- (2) If an original owner or the association has not been provided with the manufacturer's documentation or warranty information, or both, or with recommended maintenance and repair procedures for any component of a unit, the relevant exclusion does not apply. The common element warranty is included in the written warranty to be provided to the association under RCW 64.34.312.

ARTICLE 11 MANDATORY NOTICE OF EXPIRATION OF WARRANTY

- NEW SECTION. Sec. 1101.** (1) A qualified insurer must, as soon as reasonably possible after the beginning date for the qualified warranty, provide an owner and association with a schedule of the expiration dates for coverages under the qualified warranty as applicable to the unit and the common elements, respectively.
- (2) The expiration date schedule for a unit must set out all the required dates on an adhesive label that is a minimum size of four inches by four inches and is suitable for affixing by the owner in a conspicuous location in the unit.

ARTICLE 12 DUTY TO MITIGATE

- NEW SECTION. Sec. 1201.** (1) The qualified insurer may require an owner or association to mitigate any damage to a unit or the common elements, including damage caused by defects or water penetration, as set out in the qualified warranty.
- (2) Subject to subsection (3) of this section, for defects covered by the qualified warranty, the duty to mitigate is met through timely notice in writing to the qualified insurer.
- (3) The owner must take all reasonable steps to restrict damage to the unit if the defect requires immediate attention.

- (4) The owner's duty to mitigate survives even if:
- (a) The unit is unoccupied;
 - (b) The unit is occupied by someone other than the owner;
 - (c) Water penetration does not appear to be causing damage; or
 - (d) The owner advises the homeowners' association corporation about the defect.
- (5) If damage to a unit is caused or made worse by the failure of an owner to take reasonable steps to mitigate as set out in this section, the damage may, at the option of the qualified insurer, be excluded from qualified warranty coverage.

ARTICLE 13 NOTICE OF CLAIM

NEW SECTION. Sec. 1301. (1) Within a reasonable time after the discovery of a defect and before the expiration of the applicable qualified warranty coverage, a claimant must give to the qualified insurer and the declarant written notice in reasonable detail that provides particulars of any specific defects covered by the qualified warranty.

- (2) The qualified insurer may require the notice under subsection (1) of this section to include:
- (a) The qualified warranty number; and
 - (b) Copies of any relevant documentation and correspondence between the claimant and the declarant, to the extent any such documentation and correspondence is in the control or possession of the claimant.

ARTICLE 14 HANDLING OF CLAIMS

NEW SECTION. Sec. 1401. A qualified insurer must, on receipt of a notice of a claim under a qualified warranty, promptly make reasonable attempts to contact the claimant to arrange an evaluation of the claim. Claims shall be handled in accordance with the claims procedures set forth in rules by the insurance commissioner, and as follows:

- (1) The qualified insurer must make all reasonable efforts to avoid delays in responding to a claim under a qualified warranty, evaluating the claim, and scheduling any required repairs.
- (2) If, after evaluating a claim under a qualified warranty, the qualified insurer determines that the claim is not valid, or not covered under the qualified warranty, the qualified insurer must: (a) Notify the claimant of the decision in writing; (b) set out the reasons for the decision; and (c) set out the rights of the parties under the third-party dispute resolution process for the warranty.
- (3) Repairs must be undertaken in a timely manner, with reasonable consideration given to weather conditions and the availability of materials and labor.
- (4) On completing any repairs, the qualified insurer must deliver a copy of the repair specifications to the claimant along with a letter confirming the date the repairs were completed and referencing the repair warranty provided for in section 407 of this act.

ARTICLE 15 MEDIATION OF DISPUTED CLAIMS

NEW SECTION. Sec. 1501. (1) If a dispute between a qualified insurer and a claimant arising under a qualified warranty cannot be resolved by informal negotiation within a reasonable time, the claimant or qualified insurer may require that the dispute be referred to mediation by delivering written notice to the other to mediate.

(2) If a party delivers a request to mediate under subsection (1) of this section, the qualified insurer and the party must attend a mediation session in relation to the dispute and may invite to participate in the mediation any other party to the dispute who may be liable.

(3) Within twenty-one days after the party has delivered a request to mediate under subsection (1) of this section, the parties must, directly or with the assistance of an independent, neutral person or organization, jointly appoint a mutually acceptable mediator.

(4) If the parties do not jointly appoint a mutually acceptable mediator within the time required by subsection (3) of this section, the party may apply to the superior court of the county where the project is located, which must appoint a mediator taking into account:

- (a) The need for the mediator to be neutral and independent;
- (b) The qualifications of the mediator;
- (c) The mediator's fees;
- (d) The mediator's availability; and
- (e) Any other consideration likely to result in the selection of an impartial, competent, and effective mediator.

(5) After selecting the mediator under subsection (4) of this section, the superior court must promptly notify the parties in writing of that selection.

(6) The mediator selected by the superior court is deemed to be appointed by the parties effective the date of the notice sent under subsection (5) of this section.

(7) The first mediation session must occur within twenty-one days of the appointment of the mediator at the date, time, and place selected by the mediator.

(8) A party may attend a mediation session by representative if:

(a) The party is under a legal disability and the representative is that party's guardian ad litem;

(b) The party is not an individual; or

(c) The party is a resident of a jurisdiction other than Washington and will not be in Washington at the time of the mediation session.

(9) A representative who attends a mediation session in the place of a party as permitted by subsection (8) of this section:

(a) Must be familiar with all relevant facts on which the party, on whose behalf the representative attends, intends to rely; and

(b) Must have full authority to settle, or have immediate access to a person who has full authority to settle, on behalf of the party on whose behalf the representative attends.

(10) A party or a representative who attends the mediation session may be accompanied by counsel.

(11) Any other person may attend a mediation session on consent of all parties or their representatives.

(12) At least seven days before the first mediation session is to be held, each party must deliver to the mediator a statement briefly setting out:

(a) The facts on which the party intends to rely; and

(b) The matters in dispute.

(13) The mediator must promptly send each party's statement to each of the other parties.

(14) Before the first mediation session, the parties must enter into a retainer agreement with the mediator which must:

(a) Disclose the cost of the mediation services; and

(b) Provide that the cost of the mediation will be paid:

(i) Equally by the parties; or

(ii) On any other specified basis agreed by the parties.

(15) The mediator may conduct the mediation in any manner he or she considers appropriate to assist the parties to reach a resolution that is timely, fair, and cost-effective.

(16) A person may not disclose, or be compelled to disclose, in any proceeding, oral or written information acquired or an opinion formed, including, without limitation, any offer or admission made in anticipation of or during a mediation session.

(17) Nothing in subsection (16) of this section precludes a party from introducing into evidence in a proceeding any information or records produced in the course of the mediation that are otherwise producible or compellable in those proceedings.

(18) A mediation session is concluded when:

(a) All issues are resolved;

(b) The mediator determines that the process will not be productive and so advises the parties or their representatives; or

(c) The mediation session is completed and there is no agreement to continue.

(19) If the mediation resolves some but not all issues, the mediator may, at the request of all parties, complete a report setting out any agreements made as a result of the mediation, including, without limitation, any agreements made by the parties on any of the following:

(a) Facts;

(b) Issues; and

(c) Future procedural steps.

ARTICLE 16 ARBITRATION

NEW SECTION. Sec. 1601. A qualified warranty may include mandatory binding arbitration of all disputes arising out of or in connection with a qualified warranty. The provision may provide that all claims for a single condominium be heard by the same arbitrator, but shall not permit the joinder or consolidation of any other person or entity. The arbitration shall comply with the following minimum procedural standards:

(1) Any demand for arbitration shall be delivered by certified mail return receipt requested, and by ordinary first class mail. The party initiating the arbitration shall address the notice to the address last known to the initiating party in the exercise of reasonable diligence, and also, for any entity which is required to have a registered agent in the state of Washington, to the address of the registered agent. Demand for arbitration is deemed effective three days after the date deposited in the mail;

(2) All disputes shall be heard by one qualified arbitrator, unless the parties agree to use three arbitrators. If three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. The parties shall select the identity and number of the arbitrator or arbitrators after the demand for arbitration is made. If, within thirty days after the effective date of the demand for arbitration, the parties fail to agree on an arbitrator or the agreed number of arbitrators fail to be appointed, then an arbitrator or arbitrators shall be appointed under RCW 7.04.050 by the presiding judge of the superior court of the county in which the condominium is located;

(3) In any arbitration, at least one arbitrator must be a lawyer or retired judge. Any additional arbitrator must be either a lawyer or retired judge or a person who has experience with construction and engineering standards and practices, written construction warranties, or construction dispute resolution. No person may serve as an arbitrator in any arbitration in which that person has any past or present financial or personal interest;

(4) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator is bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing, but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. The parties and the arbitrator shall use all reasonable efforts to complete the arbitration within six months of the effective date of the demand for arbitration or, when applicable, the service of the list of defects in accordance with RCW 64.50.030;

(5) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04 RCW, unless the parties elect to use the construction industry arbitration rules of the American arbitration association, which are permitted to the extent not inconsistent with this section. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. All other expenses of arbitration shall be borne equally by the parties, unless all parties agree otherwise or unless the arbitrator awards expenses or any part thereof to any specified party or parties. The parties shall pay the fees of the arbitrator as and when specified by the arbitrator;

(6) Demand for arbitration given pursuant to subsection (1) of this section commences an arbitration for purposes of RCW 64.34.452;

(7) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

ARTICLE 17 ATTORNEYS' FEES

NEW SECTION. Sec. 1701. In any judicial proceeding or arbitration brought to enforce the terms of a qualified warranty, the court or arbitrator may award reasonable attorneys' fees to the substantially prevailing party. In no event may such fees exceed the reasonable hourly value of the attorney's work.

ARTICLE 18 TRANSFER

NEW SECTION. Sec. 1801. (1) A qualified warranty pertains solely to the unit and common elements for which it provides coverage and no notice to the qualified insurer is required on a change of ownership.

(2) All of the applicable unused benefits under a qualified warranty with respect to a unit are automatically transferred to any subsequent owner on a change of ownership.

ARTICLE 19 ACCEPTANCE OF DECLARANT FOR QUALIFIED WARRANTY

NEW SECTION. Sec. 1901. (1) No insurer is bound to offer a qualified warranty to any person. Except as specifically set forth in this section, the terms of any qualified warranty are set in the sole discretion of the qualified insurer. Without limiting the generality of this subsection, a qualified insurer may make inquiries about the applicant as follows:

(a) Does the applicant have the financial resources to undertake the construction of the number of units being proposed by the applicant's business plan for the following twelve months;

(b) Does the applicant and its directors, officers, employees, and consultants possess the necessary technical expertise to adequately perform their individual functions with respect to their proposed role in the construction and sale of units;

(c) Does the applicant and its directors and officers have sufficient experience in business management to properly manage the unit construction process;

(d) Does the applicant and its directors, officers, and employees have sufficient practical experience to undertake the proposed unit construction;

(e) Does the past conduct of the applicant and its directors, officers, employees, and consultants provide a reasonable indication of good business practices, and reasonable grounds for belief that its undertakings will be carried on in accordance with all legal requirements; and

(f) Is the applicant reasonably able to provide, or to cause to be provided, after-sale customer service for the units to be constructed.

(2) A qualified insurer may charge a fee to make the inquiries permitted by subsection (1) of this section.

(3) Before approving a qualified warranty for a condominium, a qualified insurer may make such inquiries and impose such conditions as it deems appropriate in its sole discretion, including without limitation the following:

(a) To determine if the applicant has the necessary capitalization or financing in place, including any reasonable contingency reserves, to undertake construction of the proposed unit;

(b) To determine if the applicant or, in the case of a corporation, its directors, officers, employees, and consultants possess reasonable technical expertise to construct the proposed unit, including specific technical knowledge or expertise in any building systems, construction methods, products, treatments, technologies, and testing and inspection methods proposed to be employed;

(c) To determine if the applicant or, in the case of a corporation, its directors, officers, employees, and consultants have sufficient practical experience in the specific types of construction to undertake construction of the proposed unit;

(d) To determine if the applicant has sufficient personnel and other resources to adequately undertake the construction of the proposed unit in addition to other units which the applicant may have under construction or is currently marketing;

(e) To determine if:

(i) The applicant is proposing to engage a general contractor to undertake all or a significant portion of the construction of the proposed unit; and

(ii) The general contractor meets the criteria set out in this section;

(f) Requiring that a declarant provide security in a form suitable to the qualified insurer;

(g) Establishing or requiring compliance with specific construction standards for the unit;

(h) Restricting the applicant from constructing some types of units or using some types of construction or systems;

(i) Requiring the use of specific types of systems, consultants, or personnel for the construction;

(j) Requiring an independent review of the unit building plans or consultants' reports or any part thereof;

(k) Requiring third-party verification or certification of the construction of the unit or any part thereof;

(l) Providing for inspection of the unit or any part thereof during construction;

(m) Requiring ongoing monitoring of the unit, or one or more of its components, following completion of construction;

(n) Requiring that the declarant or any of the design professionals, engineering professionals, consultants, general contractors, or subcontractors maintain minimum levels of insurance, bonding, or other security naming the potential owners and qualified insurer as loss payees or beneficiaries of the insurance, bonding, or security to the extent possible;

(o) Requiring that the declarant provide a list of all design professionals and other consultants who are involved in the design or construction inspection, or both, of the unit;

(p) Requiring that the declarant provide a list of trades employed in the construction of the unit, and requiring evidence of their current trade's certification, if applicable.

ARTICLE 20 MISCELLANEOUS

NEW SECTION. **Sec. 2001.** All qualified warrantees shall be deemed to be "insurance" for purposes of RCW 48.01.040, and shall be regulated as such.

NEW SECTION. **Sec. 2002.** Captions and part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 2003.** Sections 101 through 2002 of this act constitute a new chapter in Title 64 RCW."

Correct the title.

Representatives Lantz and Tom spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz, Tom and Carrell spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Clements, Representatives Hinkle and Mastin were excused. On motion of Representative Santos, Representatives Edwards and Eickmeyer were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5536, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5536, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5376, By Senator Prentice

Describing the route of SR 99.

The bill was read the second time.

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

Representatives Hudgins and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5376.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5376 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald,

McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SENATE BILL NO. 5376, having received the necessary constitutional majority, was declared passed.

THIRD SUBSTITUTE SENATE BILL NO. 5412, By Senate Committee on Highways & Transportation (originally sponsored by Senators Brandland, Kline, Winsley, Haugen, Prentice, Reardon, Rasmussen, Eide and McCaslin)

Requiring biometric identifiers from applicants for driver's licenses and identicards.

The bill was read the second time.

Representative Morris moved the adoption of the following amendment (1167):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that identity theft and the other types of fraud is a significant problem in the state of Washington, costing our citizens and businesses millions each year. The most common method of accomplishing identity theft and other fraudulent activity is by securing a fraudulently issued driver's license. It is the purpose of this act to significantly reduce identity theft and other fraud by preventing the fraudulent issuance of driver's licenses and identicards.

Sec. 2. RCW 9.35.020 and 2003 c 53 s 22 are each amended to read as follows:

(1) No person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, living or dead, with the intent to commit, or to aid or abet, any crime.

(2) Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value in excess of one thousand five hundred dollars in value shall constitute identity theft in the first degree. Identity theft in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(3) Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value that is less than one thousand five hundred dollars in value, or when no credit, money, goods, services, or anything of value is obtained shall constitute identity theft in the second degree. Identity theft in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(4) A person who violates this section is liable for civil damages of (~~five hundred~~) **one thousand** dollars or actual damages, whichever is greater, including costs to repair the victim's credit record, and reasonable attorneys' fees as determined by the court.

(5) In a proceeding under this section, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(6) The provisions of this section do not apply to any person who obtains another person's driver's license or other form of identification for the sole purpose of misrepresenting his or her age.

(7) In a proceeding under this section in which a person's means of identification or financial information was used without that person's authorization, and when there has been a conviction, the sentencing court may issue such orders as are necessary to correct a public record that contains false information resulting from a violation of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 46.20 RCW to read as follows:

(1) No later than January 1, 2006, the department shall implement a voluntary biometric matching system for driver's licenses and identicards. The biometric matching system shall be used only to verify the identity of an applicant for a renewal or duplicate driver's license or identicard by matching a biometric identifier submitted by the applicant against the biometric identifier submitted when the license was last issued. This project requires a full review by the information services board using the criteria for projects of the highest visibility and risk.

(2) The biometric matching system selected by the department shall be capable of highly accurate matching, and shall be compliant with biometric standards established by the American association of motor vehicle administrators.

(3) The biometric matching system selected by the department must incorporate a process that allows the owner of a driver's license or identocard to present a personal identification number or other code along with the driver's license or identocard before the information may be verified by a third party.

(4) Upon the establishment of a biometric driver's license and identocard system as described in this section, the department shall allow every person applying for an original, renewal, or duplicate driver's license or identocard to voluntarily submit a biometric identifier. Each applicant shall be informed of all ways in which the biometric identifier may be used, all parties to whom the identifier may be disclosed and the conditions of disclosure, the expected error rates for the biometric matching system which shall be regularly updated as the technology changes or empirical data is collected, and the potential consequences of those errors. The department shall adopt rules to allow applicants to verify the accuracy of the system at the time that biometric information is submitted, including the use of at least two separate devices.

(5) The department may not disclose biometric information to the public or any governmental entity except when authorized by court order.

(6) All biometric information shall be stored with appropriate safeguards, including but not limited to encryption.

(7) The department shall develop procedures to handle instances in which the biometric matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license or identocard. These procedures shall allow an applicant to prove identity without using a biometric identifier.

(8) Any person who has voluntarily submitted a biometric identifier may choose to discontinue participation in the biometric matching program at any time, provided that the department utilizes a secure procedure to prevent fraudulent requests for a renewal or duplicate driver's license or identocard. When the person discontinues participation, any previously collected biometric information shall be destroyed.

(9) If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is enacted into law, this section does not apply when an applicant renews his or her driver's license or identocard by mail or electronic commerce.

NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW to read as follows:

(1) The department is authorized to charge persons opting to submit a biometric identifier under section 3 of this act an additional fee of no more than two dollars at the time of application for an original, renewal, or duplicate driver's license or identocard issued by the department. This fee shall be used exclusively to defray the cost of implementation and ongoing operation of a biometric security system.

(2) The biometric security account is created in the state treasury. All receipts from subsection (1) of this section shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for the purpose of defraying the cost of implementation and ongoing operation of a biometric security system.

NEW SECTION. Sec. 5. This act takes effect July 1, 2004.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus transportation appropriations act, sections 1, 3, 4, and 5 of this act are null and void."

Correct the title.

Representatives Morris and Dickerson spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morris, Murray, Hankins and Morris (again) spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute Senate Bill No. 5412, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute Senate Bill No. 5412, as amended by the House, and the bill passed the House by the following vote: Yeas - 66, Nays - 28, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Anderson, Armstrong, Bailey, Benson, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Veloria, Wallace, Wood and Woods - 66.

Voting nay: Representatives Alexander, Blake, Boldt, Buck, Bush, Campbell, Condotta, Cox, Crouse, DeBolt, Dunshee, Ericksen, Holmquist, Hunt, Kessler, Kristiansen, McDonald, McMahan, McMorris, Mielke, Morrell, Orcutt, Pearson, Romero, Schindler, Sump, Upthegrove and Mr. Speaker - 28.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

THIRD SUBSTITUTE SENATE BILL NO. 5412, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5677, By Senate Committee on Higher Education (originally sponsored by Senators McAuliffe, Carlson, Parlette, Eide, Rasmussen, Regala, Schmidt, Kohl-Welles and Shin)

Requiring annual meetings to focus on implementing cross-sector education policies.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Higher Education was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

Representative Morrell moved the adoption of amendment (1084) to the committee amendment:

On page 1, at the beginning of line 17 of the amendment, strike "coordinated by the council of presidents"

On page 2, line 2 of the amendment, after "work." strike "Each year after the annual meeting, the council of presidents will" and insert "The council of presidents shall coordinate the first annual meeting in 2004. Responsibility for coordinating subsequent annual meetings shall rotate among the state education agencies that participate in the meeting. Each year after the annual meeting, the coordinating agency shall"

Representatives Morrell and Cox spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5677, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5677, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SUBSTITUTE SENATE BILL NO. 5677, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957, By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland)

Establishing a system of standards and procedures concerning water quality data.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was before the House for purpose of amendment. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

Representative Linville moved the adoption of amendment (1165) to the committee amendment:

On page 2, after line 28 of the amendment, insert the following:

"(4) The department, the United States environmental protection agency, and the Indian tribes in Washington state have developed a voluntary agreement relating to the cooperative management of the clean water act section 303(d) program. The department shall consider water quality data that has been collected by Indian tribes under a quality assurance project plan that has been approved by the United States environmental protection agency if that data meets the objectives of the plan."

On page 3, beginning on line 19 of the amendment, after "(c)" strike all material through "collect" on line 20 and insert "Recommending the appropriate training and experience for collection of"

Representative Linville spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Linville, Schoesler and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5957, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5957, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Chase, Conway and McCoy - 3.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6141, By Senators Winsley, Kastama, Oke, Franklin, Swecker and Schmidt; by request of Department of Revenue and Department of Veterans Affairs

Clarifying the property taxation of vehicles carrying exempt licenses.

The bill was read the second time.

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

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6141.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6141 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SENATE BILL NO. 6141, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6337, By Senators Regala, Parlette, Winsley, Stevens, Hargrove, Oke and Kohl-Welles; by request of Washington Council for Prevention of Child Abuse and Neglect

Revising the fee for birth certificates suitable for display.

The bill was read the second time.

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

Representatives Schual-Berke and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6337.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6337 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SENATE BILL NO. 6337, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6367, By Senate Committee on Land Use & Planning (originally sponsored by Senators Haugen, Spanel and Winsley)

Protecting the integrity of national historical reserves in the urban growth area planning process.

The bill was read the second time.

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

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6367.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6367 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SUBSTITUTE SENATE BILL NO. 6367, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6636, By Senate Committee on Agriculture (originally sponsored by Senators Rasmussen, Swecker, Jacobsen, Brandland, Doumit, Fairley, Kohl-Welles, Eide, Fraser, Regala, Shin, Prentice, Honeyford, Kline, Thibaudeau, Poulsen, Spanel, Franklin, Keiser, Winsley, Oke and Esser)

Regulating the disposal of animals.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6636, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6636, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SUBSTITUTE SENATE BILL NO. 6636, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6643, By Senators Stevens, Hargrove, Schmidt and Carlson

Providing guidelines for family visitation for dependent children.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Children & Family Services was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6643, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6643, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SENATE BILL NO. 6643, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6663, By Senators Hewitt, Rasmussen, Honeyford, Prentice, Kastama, Doumit and Sheahan

Modifying promoters requirements for vendor tax registration.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McIntire and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6663, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6663, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SENATE BILL NO. 6663, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6676, By Senate Committee on Highways & Transportation (originally sponsored by Senators Murray, Haugen, Horn, Oke, Benton and Rasmussen; by request of Department of Licensing)

Permitting transfer of license plates.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative G. Simpson spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6676, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6676, as amended by the House, and the bill passed the House by the following vote: Yeas - 52, Nays - 42, Absent - 0, Excused - 4.

Voting yea: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Holmquist, Jarrett, Kristiansen, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Wallace and Woods - 42.

Excused: Representatives Edwards, Eickmeyer, Hinkle and Mastin - 4.

SUBSTITUTE SENATE BILL NO. 6676, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 6676.

DAWN MORRELL, 25th District

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

INTRODUCTION & FIRST READING

HB 3212 by Representatives Hunt, McDermott, Conway, Veloria, Cooper, Hudgins, Darneille, Romero and Dickerson

AN ACT Relating to creating an open primary with voluntary party registration; amending RCW 29A.04.007, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.020, 29A.44.200, 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, and 42.17.020; reenacting and amending RCW 42.17.310 and 42.17.310; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding a new chapter to Title 29A RCW; creating new sections; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Held on First Reading.

HCR 4418 by Representatives Kagi and Boldt

Creating a study panel on adoption issues.

HCR 4419 by Representatives Romero, Conway, Hudgins, McCoy, Kenney, Veloria, Dickerson, Hunt, Morris, Morrell, Ormsby, Clibborn, O'Brien, Chase, Haigh, Darneille, Santos and D. Simpson

Creating a task force to study offshore outsourcing.

Referred to Committee on Rules

E3SSB 5319 by Senate Committee on Ways & Means (originally sponsored by Senators T. Sheldon, Hale and Esser)

AN ACT Relating to tax incentives for call centers in rural areas of the state; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Rules.

ESB 6063 by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner, Spanel and McCaslin

AN ACT Relating to fees for vehicle-related businesses; and amending RCW 46.55.030, 46.70.061, 46.76.040, 46.76.050, 46.79.040, 46.79.050, 46.80.040, and 46.80.050.

Referred to Committee on Transportation.

SSB 6115 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Parlette, Hewitt, Mulliken, Honeyford, Schmidt, Johnson, Stevens, Sheahan, Hale, Winsley, Oke, Deccio, Haugen, Swecker, Finkbeiner, T. Sheldon, Prentice, Rasmussen, Fairley, Fraser, Kline, Eide, McCaslin, Shin and Benton)

AN ACT Relating to a use tax exemption for amusement and recreation services donated to or by nonprofit organizations or state or local governmental entities; amending RCW 82.12.02595; and declaring an emergency.

Referred to Committee on Rules.

SSB 6132 by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Poulsen, Rasmussen, Kline, Mulliken, Winsley, Schmidt, Esser, Roach, Kohl-Welles and Benton)

AN ACT Relating to providing incentives to support the renewable energy industry in Washington state; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6157 by Senate Committee on Ways & Means (originally sponsored by Senators T. Sheldon, Hale, Regala, Mulliken and Winsley)

AN ACT Relating to exempting from the state public utility tax the sales of electricity to an electrolytic processing business; adding a new section to chapter 82.16 RCW; and providing an effective date.

Referred to Committee on Rules.

ESSB 6233 by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt and Fairley; by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.99E.025, 70.146.030, and 43.82.010; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 159, 169, 234, 313, 312, 317, 340, 367, 369, 354, 394, 397, 406, 501, 743, 678, 738, 130, 135, 267, 273, 304, 310, 315, 356, 379, 389, 390, 412, 426, 601, 603, 606, 615, 633, 659, 702, 786, 798, 801, 695, 784, 787, 795, 628, 905, 907, and 915 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; creating a new section; and declaring an emergency.

Held on First Reading.

SSB 6243 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Honeyford, Jacobsen, Carlson, Roach, Johnson, Eide, Esser, Fraser, Brandland, Parlette, Berkey, Winsley and Rasmussen)

AN ACT Relating to creating the department of archaeology and historic preservation; amending RCW 43.17.020, 27.34.020, 27.34.070, 27.34.210, 27.34.230, 27.34.330, 27.34.342, and 27.34.344; reenacting and amending RCW 43.17.010; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; repealing RCW 27.34.310 and 27.34.320; and providing an expiration date.

Referred to Committee on Rules.

ESB 6290 by Senators Stevens, Hargrove, Winsley and Rasmussen; by request of Office of Financial Management

AN ACT Relating to misdemeanors and gross misdemeanors; amending RCW 9.94A.501, 9.92.060, 9.95.204, and 9.95.210; and declaring an emergency.

Referred to Committee on Rules.

ESB 6411 by Senators Brandland, Rasmussen, Sheahan, Hargrove, Swecker, Brown, Jacobsen, McAuliffe, Regala, Eide, Kline, Kohl-Welles and Winsley

AN ACT Relating to reducing hunger; amending RCW 74.08A.010 and 74.08.025; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 74.04 RCW; and creating new sections.

Referred to Committee on Rules.

ESB 6453 by Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

AN ACT Relating to a qualifying primary; amending RCW 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200, 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.84.260, 29A.84.310, 29A.84.710, and 42.17.020; reenacting and amending RCW 29A.32.120; adding new sections to chapter 29A.52 RCW; adding new sections to chapter 29A.04 RCW; adding new sections to chapter 29A.28 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; adding new sections to chapter 29A.20 RCW; adding new sections to chapter 29A.24 RCW; adding new sections to chapter 29A.32 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding new sections to chapter 29A.80 RCW; adding new sections to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding new sections to chapter 29A.84 RCW; creating new sections; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130, 29A.04.903, 29A.04.007, 29A.04.085, 29A.04.127, 29A.04.215, 29A.04.310, 29A.04.320, 29A.04.610, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.130, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.120, 29A.32.240, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.140, 29A.36.150, 29A.36.160, 29A.36.170, 29A.36.200, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.010,

29A.52.110, 29A.52.120, 29A.52.230, 29A.52.310, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.80.040, 29A.80.050, 29A.80.060, 29A.84.260, 29A.84.310, and 29A.84.710; prescribing penalties; providing a contingent effective date; and declaring an emergency.

Held on First Reading.

SSB 6689 by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt, Prentice, McCaslin, Rasmussen, Sheahan, Parlette, Morton, T. Sheldon, Doumit, Mulliken and Hale)

AN ACT Relating to providing financial assistance to counties; amending RCW 82.08.160; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.31 RCW; and providing an effective date.

Referred to Committee on Rules.

ESB 6710 by Senators Horn, Haugen, Swecker, Spanel and Esser

AN ACT Relating to transportation fees; amending RCW 46.16.237, 46.16.270, 46.20.117, 46.20.120, 46.20.311, 46.20.380, 46.63.110, and 46.64.025; reenacting and amending RCW 46.20.055, 46.20.070, and 46.20.308; adding a new section to chapter 46.16 RCW; creating a new section; and providing effective dates.

Referred to Committee on Rules.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated which the exception of HOUSE CONCURRENT RESOLUTION NO. 4418 and SUBSTITUTE SENATE BILL NO. 6115 which were placed on the second reading calendar.

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 5431, and the bill was placed on the second reading calendar.

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

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 6220, By Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Johnson, McAuliffe, Esser, Winsley, T. Sheldon, Rasmussen, Kline and Keiser)

Regarding school employee duty to report suspected child abuse or neglect.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was not adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

With the consent of the House, amendments (1133) and (1164) were withdrawn.

Representative Quall moved the adoption of amendment (1172):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.400 RCW to read as follows:

(1) A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee, shall report such abuse or misconduct to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

(2) Certificated and classified school employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter. The training required under this subsection shall take place within existing training programs and related resources.

(3) Nothing in this section changes any of the duties established under RCW 26.44.030."

Representatives Quall and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6220, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6220, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Mastin - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6220, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6599, By Senate Committee on Ways & Means (originally sponsored by Senators Honeyford, Swecker, Parlette, Haugen, Sheahan and Rasmussen)

Monitoring cholinesterase.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was not adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

Representative Conway moved the adoption of amendment (1170):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW to read as follows:

Employers whose employees receive medical monitoring under chapter 296-307 WAC, Part J-1, shall submit records to the department of labor and industries each month indicating the name of each worker tested, the number of hours that each worker handled covered pesticides during the thirty days prior to testing, and the number of hours that each worker handled covered pesticides during the current calendar year. The department of labor and industries shall work with the department of health to correlate this data with each employee's test results. No later than January 1, 2005, the department of labor and industries shall require employers to report this data to the physician or other licensed health care professional and department of health public health laboratory or other approved laboratory when each employee's cholinesterase test is taken. The department shall also require employers to provide each employee who receives medical monitoring with: (1) A copy of the data that the employer reports for that employee upon that employee's request; and (2) access to the records on which the employer's report is based.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows: By January 1, 2005, January 1, 2006, and January 1, 2007, the department of labor and industries shall report the results of its data collection, correlation, and analysis related to cholinesterase monitoring to the house of representatives committees on agriculture and natural resources and commerce and labor, or their successor committees, and the senate committees on agriculture and commerce and trade, or their successor committees. These reports shall also identify any technical issues regarding the testing of cholinesterase levels or the administration of cholinesterase monitoring.

NEW SECTION. Sec. 3. A new section is added to chapter 49.17 RCW to read as follows: As specified in any proviso relating to cholinesterase monitoring in the 2003-2005 omnibus operating appropriations act, the department shall make reasonable reimbursements on a quarterly basis.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representatives Conway and Holmquist spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6599, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6599, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall,

Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Mastin - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6599, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6189, By Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline, Esser and Roach)

Regulating receiverships.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6189, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6189, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Mastin - 3.

SUBSTITUTE SENATE BILL NO. 6189, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6439, By Senators Horn, Haugen, Swecker, T. Sheldon, Schmidt, Johnson, Poulsen, B. Sheldon, Jacobsen, Stevens, Mulliken, Hale, Spanel, Eide, Rasmussen and Winsley

Enhancing motorcycle safety curriculum.

The bill was read the second time.

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

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6439.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6439 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Mastin - 3.

SENATE BILL NO. 6439, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6302, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Murray, Schmidt, Rasmussen, Roach, Kastama, Winsley, Haugen and Oke)

Establishing additional protections for persons ordered to active military service.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Higher Education was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

Representative Darneille moved the adoption of amendment (1129) to the committee amendment:

On page 4, after line 29 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 61.24 RCW to read as follows:

All of the rights, duties, and privileges conveyed under the federal servicemembers civil relief act, P.L. 108-189, are applicable to deeds of trust under Washington law.

Sec. 6. RCW 84.56.020 and 1996 c 153 s 1 are each amended to read as follows:

(1) The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date.

(2) Each tax statement shall include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements shall not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax be paid on or

before the thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(5) Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount of tax unpaid from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the full year amount of tax unpaid shall be assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent shall be assessed on the amount of tax delinquent on December 1st of the year in which the tax is due.

(6) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed for the period April 30, ~~((1996)) 2003~~, through ~~((December 31, 1996)) April 30, 2005~~, on delinquent taxes imposed ~~((in 1995))~~ for collection in ~~((1996)) 2003 or 2004~~ which are imposed on the personal residences owned by military personnel who participated in the situation known as "~~((Joint Endeavor)) Operation Enduring Freedom.~~"

(7) For purposes of this chapter, "interest" means both interest and penalties.

(8) All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations."

Renumber the remaining section consecutively and correct the title.

Representatives Darneille and Bailey spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6302, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6302, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.
Excused: Representatives Edwards, Hinkle and Mastin - 3.

SUBSTITUTE SENATE BILL NO. 6302, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6082, By Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Doumit and Rasmussen)

Expanding the criteria for habitat conservation programs.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Capital Budget was before the House for purpose of amendment. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

Representative Schindler moved the adoption of amendment (1173) to the committee amendment:

On page 1 of the amendment, beginning on line 26, strike subsection (6)
Renumber remaining subsections consecutively and correct internal references accordingly.

On page 2 of the amendment, line 16, after "divided" strike all material through "account" on line 34 of page 2 and insert "equally between the habitat conservation and outdoor recreation accounts and shall be used exclusively for the purposes specified in this chapter"

On page 3 of the amendment, line 3, after "conservation" strike all material through "act" on line 6 of page 3 and insert "and outdoor recreation accounts shall be allocated under RCW 79A.15.040 and 79A.15.050"

On page 6 of the amendment, beginning on line 3, strike section 5
Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 12 of the amendment, beginning on line 13, strike section 8
Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Schindler, Schoesler and Mielke spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dunshee spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Mielke moved the adoption of amendment (1158) to the committee amendment:

On page 1, line 29 of the amendment, strike ", but is not limited to,"

On page 1, line 30 of the amendment, after "rivers." insert "Riparian habitat cannot exceed the scope of any critical areas associated with the water bodies and the adjacent buffers."

Representatives Mielke spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dunshee spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Dunshee moved the adoption of amendment (1162) to the committee amendment:

On page 3, after line 25 of the amendment, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 79A.15 RCW to read as follows:

In a county in which public land, federal land, and tribal land together constitute more than seventy percent of the total area of the county, a state or local agency must consult with the appropriate county or city legislative authority with jurisdiction over the project area prior to applying for funds for acquisition of property under this chapter. Project applications that do not include a letter of support from the county or city legislative authority must be given lower priority in the grant evaluation process. If a project application does not include a letter of support from the appropriate county or city legislative authority, but is recommended for funding by the committee, this information must be included in the prioritized list submitted to the governor and the legislature under RCW 79A.15.060 and 79A.15.070."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 21, line 19 of the title amendment, after "77.12.203; adding" strike "a new section" and insert "new sections"

Representatives Dunshee and Alexander spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Dunshee moved the adoption of amendment (1163) to the committee amendment:

On page 4, beginning on line 1 of the amendment, after "(d)" strike all material through "lands." on line 17 and insert "~~((The remaining amount shall be considered unallocated and))~~ Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund ((high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997)) restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands; and

(e) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat."

Representatives Dunshee and Alexander spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Boldt moved the adoption of amendment (1159) to the committee amendment:

On page 6, line 10 of the amendment, after "account" strike everything through "acquisition" and insert "shall only be used to fund incentive-based programs, including the leasing of lands. Moneys appropriated from this account shall not be used for acquisition of land, permanent development rights, or conservation easements"

Representatives Boldt and Alexander spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dunshee spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

With the consent of the House, amendment (1174) was withdrawn.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Dunshee spoke in favor of passage of the bill.

Representatives Alexander, Schoesler, DeBolt and Mielke spoke against the passage of the bill.

There being no objection, the House deferred action on SECOND SUBSTITUTE SENATE BILL NO. 6082 and the bill held its place on the third reading calendar.

SUBSTITUTE SENATE BILL NO. 5326, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, B. Sheldon, Doumit and T. Sheldon)

Creating regional fire protection service authorities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

Representative Orcutt moved the adoption of amendment (1126) to the committee amendment:

On page 5 of the amendment, line 11, after "authority." strike all material through "approval" on line 13 and insert "Approval of the single ballot measure to approve the plan, establish the authority, and approve the taxes requires an affirmative vote of the majority of the total persons voting within each fire protection jurisdiction that participates in the election"

Representative Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Morris spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Orcutt moved the adoption of amendment (1127) to the committee amendment:

On page 21 of the amendment, line 36, after "education." insert "In addition, a benefit charge does not apply to personal property and improvements to real property located outside of participating fire protection districts organized under Title 52 RCW."

Representative Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Morris spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Orcutt moved the adoption of amendment (1128) to the committee amendment:

On page 22 of the amendment, after line 36, insert the following:

"(4) No benefit charge may be imposed under this chapter if a benefit charge is imposed by a participating fire protection district under chapter 52.18 RCW."

Renumber remaining subsection consecutively and correct internal references accordingly

On page 26 of the amendment, after line 26, insert the following:

"**NEW SECTION. Sec. 34.** A new section is added to chapter 52.18 RCW to read as follows:
If a fire protection district is a participating fire protection jurisdiction in a regional fire protection service authority created under this act, the district may not impose a benefit charge under this chapter if the authority imposes a benefit charge under section 24 of this act."

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title

Representative Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Morris spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McIntire, Cairnes and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5326, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5326, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke,

Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.
Excused: Representatives Edwards, Hinkle and Mastin - 3.

SUBSTITUTE SENATE BILL NO. 5326, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6372, By Senators Oke, Doumit, Sheahan, B. Sheldon, McAuliffe, Regala, Spanel, Haugen, Roach, Fraser and Shin

Creating a state parks centennial committee.

The bill was read the second time.

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

Representatives Cooper and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6372.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6372 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Mastin - 3.

SENATE BILL NO. 6372, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6115, By Senate Committee on Governmental Operations (originally sponsored by Senators Roach, Parlette, Hewitt, Mulliken, Honeyford, Schmidt, Johnson, Stevens, Sheahan, Hale, Winsley, Oke, Deccio, Haugen, Swecker, Finkbeiner, T. Sheldon, Prentice, Rasmussen, Fairley, Fraser, Kline, Eide, McCaslin, Shin and Benton)

Providing a use tax exemption for amusement and recreation services donated to or by nonprofit charitable organizations or state or local governmental entities.

The bill was read the second time.

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

Representatives Moeller and Bailey spoke in favor of passage of the bill.

COLLOQUY

Representative Bush: "Would this bill have the effect of expanding the existing statutory provisions for gambling in Washington state?"

Representative McIntire: "No."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6115.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6115 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, and Woods - 94.

Voting nay: Mr. Speaker - 1.

Excused: Representatives Edwards, Hinkle and Mastin - 3.

SUBSTITUTE SENATE BILL NO. 6115, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5428, By Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner, Haugen, Horn and Shin; by request of Department of Licensing)

Allowing alternative means of renewing driver's licenses.

The bill was read the second time.

Representative Chandler moved the adoption of the following amendment (1085):

On page 2, line 36, after "purposes." insert "A license labeled "not valid for identification purposes" may not be renewed by electronic commerce. A person applying to renew a license labeled "not valid for identification purposes" must submit the application to the department in person."

On page 7, after line 3, insert the following:

"(c) A license labeled "not valid for identification purposes" may not be renewed by electronic commerce. A person applying to renew a license labeled "not valid for identification purposes" must submit the application to the department in person."

Representative Chandler and G. Simpson spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

There being no objection, the House deferred action on ENGROSSED SUBSTITUTE HOUSE BILL NO. 5428, and the bill held its place on third reading.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5877, By Senate Committee on Education (originally sponsored by Senators Johnson, McAuliffe, Kohl-Welles and Rasmussen; by request of Governor Locke)

Changing the learning assistance program.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 27, 2004.)

Representative McDermott moved the adoption of amendment (1176) to the committee amendment:

On page 4, line 19 of the amendment, after "only." strike everything up through and including "need." on line 34 and insert the following: "The distribution formula shall be based on an assessment of students and on one or more family income factors measuring economic need. Beginning with the 2005-06 school year, fifty percent of the distribution formula shall be based on an assessment of students and fifty percent shall be based on one or more family income factors measuring economic need."

Representatives McDermott and Talcott spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

Amendment (1168) was ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McDermott and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5877, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5877, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative McDermott - 1.

Excused: Representatives Crouse, Edwards, Hinkle and Mastin - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5877, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6211, By Senate Committee on Education (originally sponsored by Senators Carlson, Kohl-Welles, Esser, Swecker, Schmidt, Finkbeiner, Brandland, Pflug, Roach, Rasmussen and Murray)

Changing the school district levy base calculation.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was before the House for purpose of amendment. (For committee amendment(s), see Journal, 50th Day, March 1, 2004.)

Representative Fromhold moved the adoption of amendment (1166) to the committee amendment:

On page 3, line 33 of the striking amendment, after "RCW 84.52.068" insert the following: ". The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to (a) of this subsection by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to the effective date of this section"

On page 3, line 38, after "RCW 28A.400.205" insert the following: ". The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to (b) of this subsection by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to the effective date of this section"

Representatives Fromhold, Talcott and Fromhold (again) spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fromhold, Anderson, Hunter and Talcott spoke in favor of passage of the bill.

Representatives Clements and Mielke spoke against the passage of the bill.

MOTION

On motion of Representative Santos, Representative Veloria was excused.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6211, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6211, as amended by the House, and the bill passed the House by the following vote: Yeas - 68, Nays - 25, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Bailey, Benson, Buck, Cairnes, Carrell, Chandler, Chase, Clibborn, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, Lantz, Lovick, McCoy, McDonald, McIntire, McMahan, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schual-Berke, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Wallace, Wood, Woods and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Armstrong, Blake, Boldt, Bush, Campbell, Clements, Condotta, Ericksen, Hatfield, Holmquist, Kessler, Kristiansen, Linville, McDermott, McMorris, Mielke, Newhouse, Orcutt, Pearson, Roach, Schoesler, Sehlin, Skinner and Sump - 25.

Excused: Representatives Crouse, Edwards, Hinkle, Mastin and Veloria - 5.

SUBSTITUTE SENATE BILL NO. 6211, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 6211.

JOHN AHERN, 6th District

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"PART 1 CERTIFICATE OF ACADEMIC ACHIEVEMENT

NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.655 RCW to read as follows:

CERTIFICATE REQUIREMENTS. (1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (11) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of section 104 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of section 104 of this act, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (11) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of section 104 of this act.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.

(8) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(9) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(10) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(11) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(12) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(13) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (13).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (13)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (13)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (13)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 102. CERTIFICATE REPORTS REQUIRED ON THE CUT SCORES REQUIRED TO ACHIEVE THE CERTIFICATE, OBJECTIVE ALTERNATIVE ASSESSMENTS, AND ISSUES RELATED TO VALIDITY AND RELIABILITY. (1) The academic achievement and accountability commission shall review and adjust, if necessary, the performance standards needed to meet the high school standards and obtain a certificate of academic achievement as provided in section 101 of this act. The commission shall include in its review consideration of various conjunctive and compensatory score models, including the use of the standard error of measurement, into the decision regarding the award of the certificate of academic achievement. To assist in its deliberations, the commission shall seek advice from a committee that includes parents, practicing classroom teachers and principals, administrators, staff, and other interested parties. If the commission makes any adjustment of the student performance standards, then the commission shall present the recommended performance standard to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature.

(2) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards.

(a) By September 1, 2004, the office of the superintendent of public instruction shall report its recommendations for objective alternative assessments to the governor, the state board of education, and the house of representatives and senate education committees.

(b) In its deliberations, the office of the superintendent of public instruction shall consult with parents, administrators, practicing classroom teachers including teachers in career and technical education, practicing principals, appropriate agencies, professional organizations, assessment experts, and other interested parties.

(c) Through the omnibus appropriations act, or by statute or concurrent resolution, the legislature shall formally approve the use of any objective alternative assessments before its implementation as a part of the high school assessment system.

(3) By September 15, 2004, the superintendent of public instruction shall develop recommendations on the best practices that may be used with students who need additional assistance to meet the requirements of the certificate of academic achievement.

(4) By November 30, 2004, the superintendent of public instruction and the state board of education shall provide to the house of representatives and senate education committees all available pertinent studies, information, and independent third-party analyses on the validity and reliability of the high school assessment system, especially as it pertains to the use of the system for individual student decisions.

Sec. 103. RCW 28A.230.090 and 1997 c 222 s 2 are each amended to read as follows:
CERTIFICATE OF ACADEMIC ACHIEVEMENT - STATE BOARD OF EDUCATION HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING LOCAL DETERMINATION OF INDIVIDUAL STUDENT SUCCESS. (1) The state board of education shall establish high school graduation requirements or equivalencies for students.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements is encouraged to include information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under section 101 of this act or the certificate of individual achievement requirements under section 104 of this act are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to

have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. ~~((Subsection (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses before attending high school.))~~

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 104. A new section is added to chapter 28A.155 RCW to read as follows:
CERTIFICATE OF INDIVIDUAL ACHIEVEMENT. Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in section 101 of this act, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. For these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in section 101 of this act are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in section 101 of this act are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in section 101 of this act, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.180 RCW to read as follows:
The office of the superintendent of public instruction and the state board for community and technical colleges shall jointly develop a program plan to provide a continuing education option for students who are eligible for the state transitional bilingual instruction program and who need more time to develop language proficiency but who are more age-appropriately suited for a postsecondary learning environment than for a high school. In developing the plan, the superintendent of public instruction shall consider options to formally recognize the accomplishments of students in the state transitional bilingual instruction program who have completed the twelfth grade but have not earned a certificate of academic achievement. By December 1, 2004, the agencies shall report to the legislative education and fiscal committees with any recommendations for legislative action and any resources necessary to implement the plan.

Sec. 106. RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to read as follows:
CERTIFICATE OF ACADEMIC ACHIEVEMENT - PRIVATE SCHOOL STUDENTS EXEMPTED. The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic

achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to section 101 of this act. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. ~~((However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of mastery to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.630.885. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of mastery.))~~ A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) ~~((above))~~ of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 107. RCW 28A.200.010 and 1995 c 52 s 1 are each amended to read as follows:

CERTIFICATE OF ACADEMIC ACHIEVEMENT - STUDENTS IN HOME-BASED INSTRUCTION EXEMPTED. (1) Each parent whose child is receiving home- based instruction under RCW 28A.225.010(4) shall have the duty to:

~~((4))~~ (a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15th of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

~~((2))~~ (b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

~~((3))~~ (c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals, master the essential academic learning requirements, to take the assessments, or to obtain a certificate of ~~((mastery pursuant to RCW 28A.630.885))~~ academic achievement or a certificate of individual achievement pursuant to sections 101 and 104 of this act. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

Sec. 108. RCW 28A.305.220 and 1984 c 178 s 1 are each amended to read as follows:

DEVELOPMENT OF STANDARDIZED HIGH SCHOOL TRANSCRIPTS--SCHOOL DISTRICTS TO INFORM STUDENTS OF IMPORTANCE. (1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include the following information:

(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by sections 101 and 104 of this act;

(b) All scholar designations as provided by section 101 of this act;

(c) A notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement by means of the Washington assessment of student learning or by an alternative assessment.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 109. The superintendent of public instruction shall study the effect of the certificate of academic achievement and the certificate of individual achievement requirements on dropout rates and report the findings to the legislature and the academic achievement and accountability commission by October 1, 2010. The superintendent of public instruction shall include any related recommendations for decreasing the dropout rate in the report.

PART 2 ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS

NEW SECTION. Sec. 201. **ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORT REQUIRED ON ASSESSMENTS AND OTHER OPTIONS FOR MEETING THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS IN SOCIAL STUDIES, THE ARTS, AND HEALTH AND FITNESS.** (1) A comprehensive education involves the entire domain of human knowledge to participate productively in our democratic society. All Washington students should have some appreciation of mathematical and scientific principles and structures, a broad awareness of social, economic, and political systems and developments and an appreciation of the arts and humanities, and the elements of good personal health.

(2) By September 1, 2004, the superintendent of public instruction, after consultation with parents, practicing classroom teachers and principals, education organizations, and other interested parties, shall report

to the governor, the state board of education, and the house of representatives and senate education committees regarding state classroom-based assessment models, other assessment options, and/or other strategies approved by the superintendent of public instruction to assure continued support and attention to the essential academic learning requirements in social studies, the arts, and health and fitness in elementary, middle, and high schools. The options shall include a recommended timeline to implement those recommendations the legislature adopts. The options may include recommendations on the design, administration, scoring, and reporting of classroom or performance-based assessments for these content areas. The report shall outline progress regarding:

- (a) The development of the state classroom-based assessment models, other assessments, and/or other strategies;
 - (b) Plans for staff development; and
 - (c) The funding resources necessary to fully implement the recommendations.
- (3) All classroom-based assessment models shall be designed in consultation with practicing classroom teachers.
- (4) The classroom-based assessment models, other assessment options, and/or other strategies shall be available for voluntary use beginning with the 2005-06 school year.

NEW SECTION. Sec. 202. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - REPORTS REQUIRED ON THE ESSENTIAL ACADEMIC LEARNING REQUIREMENTS, THE RESULTS OF INDEPENDENT RESEARCH ON ALIGNMENT AND TECHNICAL REVIEW, AND THE FEASIBILITY OF RETURNING ASSESSMENT BEFORE THE END OF THE SCHOOL YEAR. (1) Subject to available funding, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the results of independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning for elementary and middle grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments and shall be reported in accordance with the following timelines:

- (a) In the content areas of reading and writing by November 1, 2005; and
 - (b) In the content area of science by November 1, 2006.
- (2) The superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the review, prioritization, and identification of the essential academic learning requirements and grade level content expectations in accordance with the following timelines:
- (a) In the content areas of reading, writing, and mathematics by November 1, 2004;
 - (b) In the content area of science by November 1, 2005;
 - (c) In the content area of social studies by November 1, 2008;
 - (d) In the content area of the arts by November 1, 2008; and
 - (e) In the content area of health and fitness by November 1, 2009.
- (3) By November 30, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.230 RCW to read as follows: ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS. By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction.

Sec. 204. RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows: ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

- (2) The superintendent of public instruction shall:
 - (a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum

extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((5))~~ (b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

~~((6))~~ (9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

~~((7))~~ (10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

~~((8))~~ (11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

~~((9))~~ (12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

Sec. 205. RCW 28A.655.030 and 2002 c 37 s 1 are each amended to read as follows:

ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - DUTIES OF THE ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION. The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of statewide accountability, the commission shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The commission may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. ~~((The goals shall be in addition to any goals adopted in RCW 28A.655.050. The commission may also revise any goal adopted in RCW 28A.655.050.))~~ The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The commission shall also determine student scores that identify levels of student performance below and beyond the standard. The commission shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the commission in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature ~~((under RCW 28A.655.050))~~ and by the commission under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the commission shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving ~~((the reading goal under RCW 28A.655.050 and any additional))~~ goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; and

(l) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 206. ESSENTIAL ACADEMIC LEARNING REQUIREMENTS AND ASSESSMENTS - RCW 28A.655.060 REPEALED. RCW 28A.655.060 (Essential academic learning requirements--Statewide academic assessment system-- Certificate of mastery--Educational pathways--Accountability--Reports and recommendations--Washington commission on student learning, creation and expiration) and 2001 2nd sp.s. c 20 s 1, 1999 c 373 s 501, 1998 c 225 s 1, & 1997 c 268 s 1 are each repealed.

PART 3 MISCELLANEOUS

NEW SECTION. Sec. 301. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 302. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 303. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 28A.230.090, 28A.195.010, 28A.200.010, 28A.305.220, 28A.655.070, and 28A.655.030; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.230 RCW; creating new sections; repealing RCW 28A.655.060; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment(s) to THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Quall spoke in favor the passage of the bill.

There being no objection, the House deferred action on THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, and the bill held its place on final passage.

SPEAKER'S PRIVILEGE

Mr. Speaker: "The Speaker would like to make a brief statement. The majority in the Senate voted to adjourn until Monday after being presented with a motion to vote on HOUSE BILL NO. 1809 which this body passed to ban discrimination based on sexual orientation. Because they adjourned so early, nearly one hundred House bills died. Those bills included reforms to improve our schools and colleges, to create jobs, to help our small businesses, insure the safety of our food, and make health care more affordable for the people of Washington. We plan to go forth in the short time available to us. To take major steps forward to improve our schools and aid our children. As legislators we are here to govern for all the people."

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

There being no objection, the House adjourned until 10:00 a.m., March 8, 2004, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FIFTY FOURTH DAY, MARCH 5, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 8, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tess Nafziger and Devon Newhouse. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Cindy Enger, Faith Trust Institute, Seattle.

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

MESSAGES FROM THE SENATE

March 5, 2004

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 2055,

HOUSE BILL NO. 2301,
SUBSTITUTE HOUSE BILL NO. 2308,
SUBSTITUTE HOUSE BILL NO. 2367,
HOUSE BILL NO. 2535,
SUBSTITUTE HOUSE BILL NO. 2621,
HOUSE BILL NO. 2838,
SUBSTITUTE HOUSE BILL NO. 2910,
SUBSTITUTE HOUSE BILL NO. 2919,
ENGROSSED HOUSE BILL NO. 3036,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 5, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6561, and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4710, By Representative Quall

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold, or unsafe; and

WHEREAS, Classified employees are the bus drivers who safely transport, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 busses over 500,000 miles; the child nutrition employees who provide breakfast for 113,518 students and lunches for over 440,000 students each day; the custodian, maintenance, and security employees who ensure that the 2,174 school buildings where our children receive their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and most importantly, all children receive the necessary support and services and at the same time provide love and attention to each student's special needs, even if all that is needed is a band-aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf and disabled children, and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor classified school employees during Classified School Employee Week, March 8 through 12, 2004, and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Public School Employees of Washington.

HOUSE RESOLUTION NO. 4710 was adopted.

HOUSE RESOLUTION NO. 2004-4711, By Representative Moeller

WHEREAS, History was made on the morning of June 20, 1937, with the landing of Russian aviator, Valery Chkalov, and his crew, Georgy Baidukov and Alexander Belyakov, in their single-engine aircraft ANT-25 at Pearson Army Airfield in Vancouver, Washington; and

WHEREAS, Chkalov completed the first nonstop flight across the North Pole setting a world aviation record by flying for 63 hours and 16 minutes over the North Pole from Schelkovo Air Field near Moscow, Russia, to Vancouver, Washington; and

WHEREAS, In an international feat of great aviation significance, Chkalov set down at the Pearson Airfield in Vancouver, Washington, the oldest continuously operating general aviation airfield in the United States, where he and his crew were greeted by General George C. Marshall, commander of the Vancouver Barracks; and

WHEREAS, Citizens throughout the world were following this first transpolar flight, on radio and in the newspaper, as Valery Chkalov spoke on NBC Radio from the balcony of the stately Victorian-era Army military residence of General Marshall; and

WHEREAS, Chkalov proclaimed that like the Volga and Columbia Rivers which flow on the same planet and ultimately merge into one and the same World Ocean without interfering with one another, "Our peoples...should live in the same world in peace. Our joint efforts should beautify the ocean of human life"; and

WHEREAS, In the intervening years, the polar bridge established by the Chkalov flight has been the basis for numerous visits and exchanges between local residents and citizens and with Valery Chkalov's family and village, and has been kept alive by the long established Vancouver Chkalov Transpolar Flight Committee and, since 1999, the Chkalov Cultural Exchange Committee; and

WHEREAS, In 1975, Vancouver citizens dedicated a monument honoring the bravery of Valery Chkalov and his crew, thus making this flight the only one in the world with commemoratives marking both departure and arrival points; and

WHEREAS, The Russian Federation and many individual Russians have responded with friendship to this expression of international goodwill by visiting the city of Vancouver to lay flowers at the monument and by hosting groups from Vancouver in Russia; and

WHEREAS, February 2, 2004, was the 100th anniversary of Valery Chkalov's birth, and this occasion and events honoring his birth are being held in Russia throughout the year as part of an official "State Event"; and

WHEREAS, The Vancouver Chkalov Transpolar Flight Committee, the Chkalov Cultural Exchange Committee, and the City of Vancouver are planning numerous events in Vancouver throughout the year, and over 200 Russian officials, including a number of famed Russian aviators, high ranking officials of the Russian Federation, and others, will be in Vancouver, Washington, to participate in these events; and

WHEREAS, The City of Vancouver, the Vancouver National Historic Reserve Trust, and Celebrate Freedom, joined by Governor Locke, Lt. Governor Owen, and other officials, have extended to His Excellency Vladimir Putin, president of the Russian Federation, an invitation to deliver the annual General George C. Marshall Lecture in June 2004 in Vancouver;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby acknowledge the historic feat of famed Russian aviator Valery Chkalov and call upon the citizens of the State of Washington to join the citizens of Russia in celebrating the 100th Birthday of Valery P. Chkalov, and extend a warm welcome to all Russian visitors who travel to Vancouver to participate in these events and encourage all Washington citizens to participate.

HOUSE RESOLUTION NO. 4711 was adopted.

HOUSE RESOLUTION NO. 2004-4712, By Representatives Miloscia, Ahern and O'Brien

WHEREAS, The youth of our state deserve programs that are supportive, nurturing, and serve as a foundation for a life of service and generosity; and

WHEREAS, The first Western Washington chapter of the Catholic Youth Organization was founded in 1951 and became affiliated with the United Way in 1960; and

WHEREAS, The Catholic Youth Organization's mission is to provide opportunities for youth to develop strong moral character, self-worth, interpersonal competence, and community empathy; and

WHEREAS, The organization currently serves more than 15,000 youths locally per year; and
WHEREAS, Catholic Youth Organization programs are available to all children, regardless of their religious affiliation; and

WHEREAS, The Catholic Youth Organization operates three summer camps in King, Snohomish, and Pierce counties where each year 2,500 campers have the opportunity to explore themselves, make friends, and learn new skills; and

WHEREAS, The Catholic Youth Organization enriches thousands of lives through programs such as environmental education, athletics, and scouting; and

WHEREAS, Through new visions such as the future Discovery Lodge at Camp Hamilton, the Catholic Youth Organization will expand the number of programs offered and focus on reaching youths from diverse backgrounds, at-risk youths, and youths with disabilities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the Catholic Youth Organization for its commitment to enriching the mind, body, and soul of Washington youths; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Archbishop Brunett and the Catholic Youth Organization's Executive Director Tauno Latvala.

HOUSE RESOLUTION NO. 4712 was adopted.

HOUSE RESOLUTION NO. 2004-4713, By Representatives Kenney, Cox and Fromhold

WHEREAS, The students selected for special recognition as Washington Scholars in 2004 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each of the Washington Scholars selected in 2004.

HOUSE RESOLUTION NO. 4713 was adopted.

MESSAGE FROM THE SENATE

March 8, 2004

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 6105,

SENATE BILL NO. 6378,
SUBSTITUTE SENATE BILL NO. 6384,
SUBSTITUTE SENATE BILL NO. 6419,
SUBSTITUTE SENATE BILL NO. 6428,
SENATE BILL NO. 6480,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6481,
SUBSTITUTE SENATE BILL NO. 6641,
SUBSTITUTE SENATE BILL NO. 6649,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 8, 2004

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5861,
SENATE BILL NO. 6164,
SUBSTITUTE SENATE BILL NO. 6466,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed SECOND ENGROSSED HOUSE BILL NO. 1645, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that:

(1) Domestic violence, sexual assault, and stalking are widespread societal problems that have devastating effects for individual victims, their children, and their communities. Victims of violence may be forced to remain in unsafe situations because they are bound by residential lease agreements. The legislature finds that the inability of victims to terminate their rental agreements hinders or prevents victims from being able to safely flee domestic violence, sexual assault, or stalking. The legislature further finds that victims of these crimes who do not have access to safe housing are more likely to remain in or return to abusive or dangerous situations. Also, the legislature finds that victims of these crimes are further victimized when they are unable to obtain or retain rental housing due to their history as a victim of these crimes. The legislature further finds that evidence that a prospective tenant has been a victim of domestic violence, sexual assault, or stalking is not relevant to the decision whether to rent to that prospective tenant.

(2) By this act, the legislature intends to increase safety for victims of domestic violence, sexual assault, and stalking by removing barriers to safety and offering protection against discrimination.

NEW SECTION. Sec. 2. A new section is added to chapter 59.18 RCW to read as follows:

The definitions in this section apply throughout this section and sections 3 through 5 of this act unless the context clearly requires otherwise.

- (1) "Domestic violence" has the same meaning as set forth in RCW 26.50.010.
- (2) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.
- (3) "Stalking" has the same meaning as set forth in RCW 9A.46.110.
- (4) "Qualified third party" means any of the following people acting in their official capacity:
 - (a) Law enforcement officers;
 - (b) Persons subject to the provisions of chapter 18.120 RCW;
 - (c) Employees of a court of the state;
 - (d) Licensed mental health professionals or other licensed counselors;
 - (e) Employees of crime victim/witness programs as defined in RCW 7.69.020 who are trained advocates for the program; and

(f) Members of the clergy as defined in RCW 26.44.020.

(5) "Household member" means a child or adult residing with the tenant other than the perpetrator of domestic violence, stalking, or sexual assault.

(6) "Tenant screening service provider" means any nongovernmental agency that provides, for a fee, background information on prospective tenants to landlords.

(7) "Credit reporting agency" has the same meaning as set forth in RCW 19.182.010(5).

NEW SECTION. Sec. 3. A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 26.50 or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter 59.12 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

[Name of organization, agency, clinic, professional service provider]

I and/or my (household member) am/is a victim of

. . . domestic violence as defined by RCW 26.50.010.

. . . sexual assault as defined by RCW 70.125.030.

. . . stalking as defined by RCW 9A.46.110.

Briefly describe the incident of domestic violence, sexual assault, or stalking:

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s):
. and at the following location(s) .

The incident(s) that I rely on in support of this declaration were committed by the following person(s):

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.
Dated at (city) . ., Washington, this . . . day of, 20. . .

Signature of Tenant or
Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18. --- (section 3 of this act) and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.
Dated this . . . day of . . . , 20. ..

Signature of authorized
officer/employee of
(Organization, agency,
clinic, professional service
provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on the tenant's or applicant's or a household member's status as a victim of domestic violence, sexual assault, or stalking, or based on the tenant or applicant having terminated a rental agreement under section 3 of this act.

(2) A landlord who refuses to enter into a rental agreement in violation of this section may be liable to the tenant or applicant in a civil action for damages sustained by the tenant or applicant. The prevailing party may also recover court costs and reasonable attorneys' fees.

(3) It is a defense to an unlawful detainer action under chapter 59.12 RCW that the action to remove the tenant and recover possession of the premises is in violation of subsection (1) of this section.

(4) This section does not prohibit adverse housing decisions based upon other lawful factors within the landlord's knowledge.

NEW SECTION. Sec. 5. A new section is added to chapter 59.18 RCW to read as follows:

(1) A tenant who has obtained a court order from a court of competent jurisdiction granting him or her possession of a dwelling unit to the exclusion of one or more cotenants may request that a lock be replaced or configured for a new key at the tenant's expense. The landlord shall, if provided a copy of the order, comply with the request and shall not provide copies of the new keys to the tenant restrained or excluded by the court's order. This section does not release a cotenant, other than a household member who is the victim of domestic violence, sexual assault, or stalking, from liability or obligations under the rental agreement.

(2) A landlord who replaces a lock or configures for a new key of a residential housing unit in accordance with subsection (1) of this section shall be held harmless from liability for any damages that result directly from the lock change.

NEW SECTION. Sec. 6. RCW 59.18.356 (Threatening behavior--Violation of order for protection--Termination of agreement--Financial obligations) and 1992 c 38 s 7 are each repealed.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "adding new sections to chapter 59.18 RCW; creating a new section; repealing RCW 59.18.356; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SECOND ENGROSSED HOUSE BILL NO. 1645 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Lantz spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Hudgins, Representatives Edwards, Morris and Sullivan were excused. On motion of Representative Clements, Representative Mielke was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Engrossed House Bill No. 1645, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1645, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Morris and Sullivan - 4.

SECOND ENGROSSED HOUSE BILL NO. 1645, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1995, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.335.060 and 1989 c 86 s 2 are each amended to read as follows:

Each school district's board of directors shall deposit moneys derived from the lease, rental, or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's debt service fund and/or capital projects fund, except for:

(a) Moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which moneys shall be deposited in the district's general fund; or

(b) At the option of the board of directors, after evaluating the sufficiency of the school district's capital projects fund for purposes of meeting demands for new construction and improvements, moneys derived from the lease or rental of real property may be deposited into the district's general fund to be used exclusively for nonrecurring costs related to operating school facilities, including but not limited to expenses for maintenance;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund."

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "and amending RCW 28A.335.060."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1995 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Quall and Talcott spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1995, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1995, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Morris and Sullivan - 4.

SUBSTITUTE HOUSE BILL NO. 1995, as amended by the Senate, having received the constitutional majority, was declared passed.

The House resumed consideration of THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195 as amended by the Senate.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Quall and Talcott spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Third Engrossed Substitute House Bill No. 2195, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Third Engrossed Substitute House Bill No. 2195, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Bush and Clements - 2.

Excused: Representatives Edwards, Mielke, Morris and Sullivan - 4.

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354, with the following amendment:

On page 2, after line 16, insert the following:

"NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Re-number the sections consecutively and correct any internal references accordingly.

On page 1, on line 2 of the title, after "policy;", strike the remainder of the title and insert "amending RCW 48.66.045; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kristiansen and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2354, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2354, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Morris and Sullivan - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2382, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that community and technical colleges play a vital role for students obtaining baccalaureate degrees. In 2002, more than forty percent of students graduating with a baccalaureate degree had transferred from a community or technical college.

(2) The legislature also finds that demand continues to grow for baccalaureate degrees. Increased demand comes from larger numbers of students seeking access to higher education and greater expectations from employers for the knowledge and skills needed to expand the state's economy. Community and technical colleges are an essential partner in meeting this demand.

(3) However, the legislature also finds that current policies and procedures do not provide for efficient transfer of courses, credits, or prerequisites for academic majors. Furthermore, the state's public higher education system must expand its capacity to enroll transfer students in baccalaureate education. The higher education coordinating board must take a leadership role in working with the community and technical colleges and four-year institutions to ensure efficient and seamless transfer across the state.

(4) Therefore, it is the legislature's intent to build clearer pathways to baccalaureate degrees, improve statewide coordination of transfer and articulation, and ensure long-term capacity in the state's higher education system for transfer students.

NEW SECTION. Sec. 2. (1) The higher education coordinating board must convene work groups to develop transfer associate degrees that will satisfy lower division requirements at public four-year institutions of higher education for specific academic majors. Work groups must include representatives from the state board for community and technical colleges and the council of presidents, as well as faculty from two and four-year institutions. Work groups may include representatives from independent four-year institutions.

(2) Each transfer associate degree developed under this section must enable a student to complete the lower-division courses or competencies for general education requirements and preparation for the major that a direct-entry student would typically complete in the freshman and sophomore years for that academic major.

(3) Completion of a transfer associate degree does not guarantee a student admission into an institution of higher education or admission into a major, minor, or professional program at an institution of higher education that has competitive admission standards for the program based on grade point average or other performance criteria.

(4) During the 2004-05 academic year, the work groups must develop transfer degrees for elementary education, engineering, and nursing. Each year thereafter, the higher education coordinating board must convene additional groups to identify and develop additional transfer degrees. The board must give priority to majors in high demand by transfer students and majors that the general direct transfer agreement associate degree does not adequately prepare students to enter automatically upon transfer.

(5) The higher education coordinating board, in collaboration with the intercollege relations commission, must collect and maintain lists of courses offered by each community and technical college and public four-year institution of higher education that fall within each transfer associate degree.

(6) The higher education coordinating board must monitor implementation of transfer associate degrees by public four-year institutions to ensure compliance with subsection (2) of this section.

(7) Beginning January 10, 2005, the higher education coordinating board must submit a progress report on the development of transfer associate degrees to the higher education committees of the house of representatives and the senate. The first progress report must include measurable benchmark indicators to monitor the effectiveness of the initiatives in improving transfer and baseline data for those indicators before the implementation of the initiatives. Subsequent reports must be submitted by January 10 of each odd-numbered year and must monitor progress on the indicators, describe development of additional transfer associate degrees, and provide other data on improvements in transfer efficiency.

NEW SECTION. Sec. 3. (1) The higher education coordinating board must create a statewide system of course equivalency for public institutions of higher education, so that courses from one institution can be transferred and applied toward academic majors and degrees in the same manner as equivalent courses at the receiving institution.

(2) The board must convene a work group including representatives from the state board for community and technical colleges and the council of presidents, as well as faculty from two and four-year institutions, to:

(a) Identify equivalent courses between community and technical colleges and public four-year institutions and among public four-year institutions, including identifying how courses meet requirements for academic majors and degrees; and

(b) Develop strategies for communicating course equivalency to students, faculty, and advisors.

(3) The work group may include representatives from independent four-year institutions. The work group must take into account the unique nature of the curriculum of The Evergreen State College in developing the course equivalency system.

(4) The higher education coordinating board must make a progress report on the development of the course equivalency system to the higher education committees of the senate and house of representatives by January 10, 2005. The report must include options and cost estimates for ongoing maintenance of the system.

NEW SECTION. Sec. 4. (1) The higher education coordinating board must conduct a gap analysis of upper division capacity in the public higher education system to accommodate transfer students. The analysis must address the total number of enrollment slots, specific academic majors, and geographic location of demand and supply of upper division capacity.

(2) The board must examine the full range of options, including costs, to close the gap between demand and supply of upper division capacity. Options include expansion of main campuses, branch campuses, off-campus education centers, distance learning, and other strategies.

(3) The board must make a progress report by January 10, 2005, and a final report by December 10, 2006, with recommendations to the higher education committees of the senate and house of representatives for how the state should expand upper division capacity in various locations across the state.

Sec. 5. RCW 28B.80.290 and 1983 c 304 s 2 are each amended to read as follows:

The statewide transfer of credit policy and agreement (~~shall~~) must be designed to facilitate the transfer of students and the evaluation of transcripts, to better serve persons seeking information about courses and programs, to aid in academic planning, and to improve the review and evaluation of academic programs in the state institutions of higher education. The statewide transfer of credit policy and agreement (~~shall~~) must not require (~~nor~~) or encourage the standardization of course content (~~and shall not~~) or prescribe course content or the credit value assigned by any institution to the course. Policies adopted by public four-year institutions concerning the transfer of lower division credit must treat students transferring from public community colleges the same as students transferring from public four-year institutions.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act are each added to chapter 28B.80 RCW."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.80.290; adding new sections to chapter 28B.80 RCW; and creating new sections."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2382 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney and Cox spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2382, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2382, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Mielke, Morris and Sullivan - 4.

SUBSTITUTE HOUSE BILL NO. 2382, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that criminal history record information background checks for employment purposes are rapidly increasing in Washington state. While the demand for criminal history record information background checks is growing, the existing criminal history record information background check data transmission infrastructure and processes are not adequate to keep pace with the growing demand. Furthermore, employers are concerned with the current system's ability to quickly secure results. Without adequate data transmission infrastructure and processes to encourage efficient criminal history record information background checks and to receive results quickly, a public safety risk is created. This is especially true when new or prospective employees will be working with children.

The legislature has learned that some states have recently developed comprehensive criminal history record information background check programs. These programs focus on making criminal history record information background checks easily accessible to employers and prospective employees and have eliminated long response times.

NEW SECTION. Sec. 2. (1) A joint task force on criminal background check processes is established. The joint task force shall consist of the following members:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
 - (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
 - (c) The chief of the Washington state patrol, or the chief's designee;
 - (d) The secretary of the department of social and health services, or the secretary's designee;
 - (e) The state superintendent of public instruction, or the superintendent's designee;
 - (f) An elected sheriff or police chief, selected by the Washington association of sheriffs and police chiefs; and
 - (g) The following seven members, jointly appointed by the speaker of the house of representatives and the president of the senate:
 - (i) A representative from a nonprofit service organization that serves primarily children under sixteen years of age;
 - (ii) A health care provider as defined in RCW 7.70.020;
 - (iii) A representative from a business or organization that primarily serves persons with a developmental disability or vulnerable adults;
 - (iv) A representative from a local youth athletic association;
 - (v) A representative from the insurance industry; and
 - (vi) Two representatives from a local parks and recreation program; one member shall be selected by the association of Washington cities and one member shall be selected by the Washington association of counties.
- (2) The task force shall choose two cochairs from among its membership.
- (3) The task force shall review and make recommendations to the legislature and the governor regarding criminal background check policy in Washington state. In preparing the recommendations, the committee shall, at a minimum, review the following issues:
- (a) What state and federal statutes require regarding criminal background checks, and determine whether any changes should be made;
 - (b) What criminal offenses are currently reportable through the criminal background check program, and determine whether any changes should be made;
 - (c) What information is available through the Washington state patrol and the federal bureau of investigation criminal background check systems, and determine whether any changes should be made;
 - (d) What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers;
 - (e) What is the feasibility and costs for businesses and organizations to do periodic background checks;
 - (f) What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, persons with a developmental disability, or vulnerable adults; and
 - (g) A review of the benefits and obstacles of implementing a criminal history record information background check program created by the national child protection act of 1993. The national child protection act of 1993 increases the availability of criminal history record information background checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities.
- (4) The task force, where feasible, may consult with individuals from the public and private sector.
- (5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.
- (6) The task force shall report its findings and recommendations to the legislature by December 31, 2004.

NEW SECTION. Sec. 3. (1) In consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs shall conduct a study on criminal history record information background check technology and systems. The study shall focus on how, through the use of modern technology, Washington state can reduce delays in the criminal history record information background check processing time and how Washington state can make criminal history record information background checks more accessible and efficient.

- (2) The study shall include, but is not limited to:
 - (a) A review and analysis of the criminal history record information background check technology systems in states that have recently implemented or are soon to implement comprehensive criminal history record information background check programs;
 - (b) Recommendations on how a comprehensive criminal history record information background check program should be designed in Washington state, and how much a comprehensive program would cost to implement in Washington state;

(c) A review of how a comprehensive criminal history record information background check program could be paid for in Washington state, which includes a determination on whether the program could be funded solely by user fees.

(3) The findings and recommendations from the Washington association of sheriffs and police chiefs shall be presented to the joint task force on criminal background check processes no later than November 30, 2004.

(4) The requirement to perform the study under this section and to make findings and recommendations is subject to availability of funds appropriated for this specific purpose.

NEW SECTION. **Sec. 4.** This act expires January 31, 2005."

On page 1, line 1 of the title, after "processes;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative O'Brien spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2556, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2556, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2635, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 53.08 RCW to read as follows:

A port district may provide advisory consulting services for compensation on matters within the scope of this title or Title 14 RCW. A port district may provide these services only to other public agencies and governments, including foreign governments and government-sponsored organizations. A port district providing consulting services must create and maintain an open roster of Washington firms interested in bidding on opportunities generated as a result.

By enacting this legislation, the legislature intends to enhance the ability of Washington port districts to facilitate economic opportunities for the benefit of Washington businesses. Nothing in this section is intended to authorize direct competition by port districts with private business.

NEW SECTION. **Sec. 2.** This act expires July 1, 2008."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "adding a new section to chapter 53.08 RCW; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2635 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Veloria spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2635, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2635, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE HOUSE BILL NO. 2635, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2657, with the following amendment:

On page 3, line 28, after "(b)" strike "Beginning" and insert "(i) Except as provided under (b)(ii) of this subsection, beginning"

On page 3, line 34, after "to the department." insert the following:

"(ii) Any person who was most recently employed full-time as a sworn peace officer not more than five years prior to applying to become licensed as a private security guard may be deemed to satisfy the training required under (b)(i) of this subsection upon passage of the examination typically administered to applicants at the conclusion of the preassignment training required under (b)(i) of this subsection.

(iii)"

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2657 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morrell and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2657, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2657, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE HOUSE BILL NO. 2657, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2707, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.45 RCW to read as follows:

(1) In 1989, the legislature created five branch campuses to be operated by the state's two public research universities. Located in growing urban areas, the branch campuses were charged with two missions:

(a) Increasing access to higher education by focusing on upper division and graduate programs, targeting placebound students, and operating as models of a two plus two educational system in cooperation with the community colleges; and

(b) Promoting regional economic development by responding to demand for degrees from local businesses and supporting regional economies through research activities.

(2) Fifteen years later, the legislature finds that branch campuses are responding to their original mission:

- (a) Branch campuses accounted for half of statewide upper division and graduate public enrollment growth since 1990;
- (b) Branch campuses have grown steadily and enroll increasing numbers of transfer students each year;
- (c) Branch campuses enroll proportionately more older and part-time students than their main campuses and attract increasing proportions of students from nearby counties;
- (d) Although the extent of their impact has not been measured, branch campuses positively affect local economies and offer degree programs that roughly correspond with regional occupational projections; and
- (e) The capital investments made by the state to support branch campuses represent a significant benefit to regional economic development.
- (3) However, the legislature also finds the policy landscape in higher education has changed since the original creation of the branch campuses. Demand for access to baccalaureate and graduate education is increasing rapidly. Economic development efforts increasingly recognize the importance of focusing on local and regional economic clusters and improving collaboration among communities, businesses, and colleges and universities. Each branch campus has evolved into a unique institution, and it is appropriate to assess the nature of this evolution to ensure the role and mission of each campus is aligned with the state's higher education goals and the needs of the region where the campus is located.
- (4) Therefore, it is the legislature's intent to recognize the unique nature of Washington's higher education branch campuses, reaffirm the role and mission of each, and set the course for their continued future development.
- (5) It is the further intent of the legislature that the campuses be identified by the following names: University of Washington Bothell, University of Washington Tacoma, Washington State University Tri-Cities, and Washington State University Vancouver.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.45 RCW to read as follows:

- (1) The primary mission of the higher education branch campuses created under this chapter remains to expand access to baccalaureate and master's level graduate education in under-served urban areas of the state in collaboration with community and technical colleges.
- (2) Branch campuses shall collaborate with the community and technical colleges in their region to develop articulation agreements, dual admissions policies, and other partnerships to ensure that branch campuses serve as innovative models of a two plus two educational system. Other possibilities for collaboration include but are not limited to joint development of curricula and degree programs, colocation of instruction, and arrangements to share faculty.
- (3) In communities where a private postsecondary institution is located, representatives of the private institution may be invited to participate in the conversation about meeting the baccalaureate and master's level graduate needs in underserved urban areas of the state.
- (4) However, the legislature recognizes there are alternative models for achieving this primary mission. Some campuses may have additional missions in response to regional needs and demands. At selected branch campuses, an innovative combination of instruction and research targeted to support regional economic development may be appropriate to meet the region's needs for both access and economic viability. Other campuses should focus on becoming models of a two plus two educational system through continuous improvement of partnerships and agreements with community and technical colleges. Still other campuses may be best suited to transition to a four-year comprehensive university or be removed from designation as a branch campus entirely.
- (5) It is the legislature's intent that each branch campus be funded commensurate with its unique mission, the degree programs offered, and the institutional combination of instruction and research, but at a level less than a research university.
- (6) In consultation with the higher education coordinating board, a branch campus may propose legislation to authorize practice-oriented or professional doctoral programs if: (a) Unique research facilities and equipment are located near the campus; or (b) the campus can clearly demonstrate student and employer demand in the region that is linked to regional economic development.
- (7) It is not the legislature's intent to have each campus chart its own future path without legislative guidance. Instead, the legislature intends to consider carefully the mission and model of education that best suits each campus and best meets the needs of students, the community, and the region.

Sec. 3. RCW 28B.45.050 and 1991 c 205 s 11 are each amended to read as follows:

Washington State University and Eastern Washington University (~~are responsible for providing upper-division and graduate level~~) shall collaborate with one another and with local community colleges in providing educational pathways and programs to the citizens of the Spokane area (~~(, under rules or guidelines adopted by the joint center for higher education. However, before any degree is authorized under this section it shall be subject to the review and approval of the higher education coordinating board. Washington State University shall meet its responsibility through the operation of a branch campus in the Spokane area. Eastern Washington University shall meet its responsibility through the operation of programs and facilities in Spokane)~~).

NEW SECTION. Sec. 4. (1) Each branch campus shall examine its instructional programs, costs, research initiatives, student enrollment characteristics, programs offered in partnership with community and technical colleges, and regional context and make a recommendation by November 15, 2004, to the higher education coordinating board regarding the future evolution of the campus. The board will analyze the recommendations of each campus in the context of statewide goals for higher education and provide policy options along with the original campus recommendations to the higher education and fiscal committees of the legislature by January 15, 2005. The recommendations and options must address:

(a) The model of education that best suits the campus, including the possibility of continuing as a two plus two model and areas for possible improvement in working with community and technical colleges, making a transition to a four-year university or some other alternative;

(b) The mission that best suits the campus, including the possibility of focusing on upper division baccalaureate education, combining instruction and research targeted to support regional economic development, or some other alternative;

(c) Data and analysis that illustrate how the model will increase baccalaureate and master's degree production; and

(d) An estimate of the costs to implement the recommendation.

(2) In developing its recommendation, each branch campus shall solicit input from students, local community and technical colleges, the main campus and other four-year institutions, and community stakeholders such as economic development councils and business and labor leaders.

(3) The higher education coordinating board, in cooperation with the branch campuses, shall develop parameters and a standard format for the evaluation and recommendations to permit comparison by the legislative committees.

Sec. 5. RCW 28B.80.510 and 1989 1st ex.s. c 7 s 8 are each amended to read as follows:

~~((In rules and guidelines adopted for purposes of chapter 7, Laws of 1989 1st ex. sess.))~~ The higher education coordinating board shall adopt performance measures to ensure a collaborative partnership between the community and technical colleges and the ~~((four-year institutions))~~ branch campuses. The partnership shall be one in which the community and technical colleges prepare students for transfer to the upper-division programs of the branch campuses and the branch campuses work with community and technical colleges to enable students to transfer and obtain degrees efficiently.

NEW SECTION. Sec. 6. (1) RCW 28B.80.510 as amended by this act is recodified as a new section in chapter 28B.45 RCW.

(2) RCW 28B.45.050 as amended by this act is recodified as a new section in chapter 28B.30 RCW.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

a. RCW 28B.45.070 (Authorization subject to legislative appropriation) and 1989 1st ex.s. c 7 s 14;

b. RCW 28B.80.500 (Branch campuses--Adjustment of enrollment lids) and 1989 1st ex.s. c 7 s 2; and

c. RCW 28B.80.520 (Branch campuses--Facilities acquisition) and 1989 1st ex.s. c 7 s 9."

On page 1, line 1 of the title, after "campuses;" strike the remainder of the title and insert "amending RCW 28B.45.050 and 28B.80.510; adding new sections to chapter 28B.45 RCW; adding a new section to chapter 28B.30 RCW; creating a new section; recodifying RCW 28B.80.510 and 28B.45.050; and repealing RCW 28B.45.070, 28B.80.500, and 28B.80.520."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2707 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kenney spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2707, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2707, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE HOUSE BILL NO. 2707, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2708, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.102.010 and 1987 c 437 s 1 are each amended to read as follows:

The legislature finds that encouraging outstanding students to enter the teaching profession is of paramount importance to the state of Washington. By creating the future teachers conditional scholarship and loan repayment program, the legislature intends to assist in the effort to recruit as future teachers ~~((students))~~ individuals who have distinguished themselves through outstanding academic achievement or demonstrated their commitment to teaching through work as a paraprofessional in the public school system, and ~~((students))~~ who can act as role models for children ~~((including those from targeted ethnic minorities))~~. The legislature urges business, industry, and philanthropic community organizations to join with state government in making this program successful.

Sec. 2. RCW 28B.102.020 and 1996 c 53 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in an approved education program in this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington ~~((which))~~ that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ~~((ten))~~ six credit hours or the equivalent, demonstrates high academic achievement ~~((of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education))~~, is a resident student as defined by RCW 28B.15.012 and 28B.15.013, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, ~~((or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification. Resident students defined in RCW 28B.15.012(2)(e) are not eligible students under this chapter))~~ and commits to teaching service in the state of Washington.

(5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher in an approved education program in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship or loan repayment under this chapter.

(9) (~~"Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.~~) "Loan repayment" means a federal student loan that is repaid in whole or in part if the recipient renders service as a teacher in an approved education program in Washington state.

(10) "Approved education program" means an education program in the state of Washington for knowledge and skills generally learned in preschool through twelfth grade. Approved education programs may include but are not limited to:

- (a) K-12 schools under Title 28A RCW; or
- (b) (~~Early childhood education and assistance programs under RCW 28A.215.100 through 28A.215.200 or the federal head start program;~~
- (c) ~~An approved school under chapter 28A.195 RCW;~~
- (d) ~~Education centers under chapter 28A.205 RCW;~~
- (e) ~~English as a second language programs and programs leading to high school graduation or the equivalency operated by community or technical colleges; and~~
- (f) ~~Tribal schools in Washington approved by the federal bureau of Indian affairs.~~) Other K-12 educational sites in the state of Washington as designated by the board.

(11) "Equalization fee" means the additional amount added to the principal of a loan under this chapter to equate the debt to that which the student would have incurred if the loan had been received through the federal subsidized Stafford student loan program.

(12) "Teacher shortage area" means a shortage of elementary or secondary school teachers in a specific subject area, discipline, classification, or geographic area as defined by the office of the superintendent of public instruction.

Sec. 3. RCW 28B.102.030 and 1987 c 437 s 3 are each amended to read as follows:

The future teachers conditional scholarship and loan repayment program is established. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

- (1) Select students to receive conditional scholarships(~~(, with the assistance of a screening committee composed of teachers and leaders in government, business, and education))~~ or loan repayments;
- (2) Adopt necessary rules and guidelines;
- (3) Publicize the program;
- (4) Collect and manage repayments from students who do not meet their teaching obligations under this chapter; and
- (5) Solicit and accept grants and donations from public and private sources for the program.

Sec. 4. RCW 28B.102.040 and 1987 c 437 s 4 are each amended to read as follows:

(1) The (~~higher education coordinating~~) board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a (~~planning~~) selection committee (~~to develop criteria~~) for (~~the~~) screening and (~~selection of~~) selecting recipients of the conditional scholarships. (~~These~~) The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to commit to providing teaching service in shortage areas, and an ability to act as a role model for ((targeted ethnic minority)) students. ((These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802.)) Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology, or special education.

Sec. 5. RCW 28B.102.045 and 1988 c 125 s 7 are each amended to read as follows:

(~~The board may waive grade point requirements for an otherwise eligible individual student under special circumstances.~~) To receive additional disbursements under the program under this chapter, a participant must be considered by his or her institution of higher education to be in a satisfactory progress condition.

Sec. 6. RCW 28B.102.050 and 1987 c 437 s 5 are each amended to read as follows:

The board may award conditional scholarships or provide loan repayments to eligible (~~students~~) participants from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship or loan repayment awarded an individual shall not exceed (~~three thousand dollars~~) the amount of tuition and fees at the institution of higher education attended by the participant or resident undergraduate tuition and fees at the University of Washington

per academic year for a full-time student, whichever is lower. ~~((Students))~~ Participants are eligible to receive conditional scholarships or loan repayments for a maximum of five years.

Sec. 7. RCW 28B.102.060 and 1996 c 53 s 2 are each amended to read as follows:

(1) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest and an equalization fee, unless they teach for two years in an approved education program for each year of scholarship received, under rules adopted by the board. Participants who teach in a designated teacher shortage area shall have one year of loan canceled for each year they teach in the shortage area.

(2) The interest rate shall be ~~((eight percent for the first four years of repayment and ten percent beginning with the fifth year of repayment))~~ determined annually by the board. Participants who fail to complete the teaching service shall incur an equalization fee based on the remaining unforgiven balance of the loan. The equalization fee shall be added to the remaining balance and repaid by the participant.

(3) The minimum payment shall be set by the board. The maximum period for repayment shall be ten years, with payments of principal and interest accruing quarterly commencing ~~((nine))~~ six months from the date the participant completes or discontinues the course of study. Provisions for deferral of payment shall be determined by the board.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in an approved education program until the entire repayment obligation is satisfied. Should the participant cease to teach in an approved education program in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited ~~((with the higher education coordinating board))~~ in the future teachers conditional scholarship account and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

(7) The board shall ~~((temporarily or, in special circumstances, permanently defer the requirements of this section for eligible students as defined in RCW 28B.10.017.~~

~~((8) The board may cancel a recipient's repayment obligation due to the recipient's total and permanent disability or death, subject to documentation as required by the board.~~

~~((9) This section applies to recipients of conditional scholarships awarded before or after July 1, 1996))~~ adopt rules to define the terms of repayment, including applicable interest rates, fees, and deferments.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.102 RCW to read as follows:

(1) Upon documentation of federal student loan indebtedness, the board may enter into agreements with participants to repay all or part of a federal student loan in exchange for teaching service in an approved educational program. The ratio of loan repayment to years of teaching service for the loan repayment program shall be the same as established for the conditional scholarship program.

(2) The agreement shall specify the period of time it is in effect and detail the obligations of the board and the participant, including the amount to be paid to the participant. The agreement may also specify the geographic location and subject matter area of teaching service for which loan repayment will be provided.

(3) At the end of each school year, a participant under this section shall provide evidence to the board that the requisite teaching service has been provided. Upon receipt of the evidence, the board shall pay the participant the agreed-upon amount for one year of full-time teaching service or a prorated amount for less than full-time teaching service. To qualify for additional loan repayments, the participant must be engaged in continuous teaching service as defined by the board.

(4) The board may, at its discretion, arrange to make the loan repayment directly to the holder of the participant's federal student loan.

(5) The board's obligations to a participant under this section shall cease when:

(a) The terms of the agreement have been fulfilled;

(b) The participant fails to maintain continuous teaching service as determined by the board; or

(c) All of the participant's federal student loans have been repaid.

(6) The board shall adopt rules governing loan repayments, including approved leaves of absence from continuous teaching service and other deferments as may be necessary.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.102 RCW to read as follows:

(1) The future teachers conditional scholarship account is created in the custody of the state treasurer. An appropriation is not required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The board shall deposit in the account all moneys received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the future teachers conditional scholarship and loan repayment program, private contributions to the program, and receipts from participant repayments. Beginning July 1, 2004, the board shall also deposit into the account: (a) All funds from the institution of higher education loan account that are traceable to any conditional scholarship program for teachers or prospective teachers established by the legislature before the effective date of this act; and (b) all amounts repaid by individuals under any such program.

(3) Expenditures from the account may be used solely for conditional loans and loan repayments to participants in the program established by this chapter and costs associated with program administration by the board.

(4) Disbursements from the account may be made only on the authorization of the board.

Sec. 10. RCW 43.79A.040 and 2003 c 403 s 9, 2003 c 313 s 10, 2003 c 191 s 7, 2003 c 148 s 15, 2003 c 92 s 8, and 2003 c 19 s 12 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund~~((and the investing in innovation account))~~). However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

d. RCW 28B.102.070 (Transfer of administration of program) and 1987 c 437 s 7; and

e. RCW 28B.102.905 (Severability--1987 c 437) and 1987 c 437 s 10."

On page 1, line 2 of the title, after "teachers;" strike the remainder of the title and insert "amending RCW 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, and 28B.102.060; reenacting and amending RCW 43.79A.040; adding new sections to chapter 28B.102 RCW; and repealing RCW 28B.102.070 and 28B.102.905."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2708 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Ormsby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2708, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2708, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE HOUSE BILL NO. 2708, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2811, with the following amendment:

On page 4, after line 1, insert the following:

"(4) The department of community, trade, and economic development shall work with the counties and cities to review the potential implementation costs of the requirements of subsection (2) of this section. The department, in cooperation with the local governments, shall prepare a report summarizing the projected costs, together with recommendations for state funding assistance for implementation costs, and provide the report to the governor and appropriate committees of the senate and house of representatives by January 1, 2005."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2811 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Jarrett and Romero spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2811, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2811, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

HOUSE BILL NO. 2811, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2878, with the following amendment:

On page 9, after line 13, insert the following:

"Sec. 8. RCW 67.28.181 and 1998 c 35 s 1 are each amended to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax shall not exceed the lesser of two percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals twelve percent. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100 or both with a total rate exceeding four percent before July 27, 1997, such total authorization shall continue through January ~~((4))~~ 31, 1999, and thereafter the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January ~~((4))~~ 31, 1999.

(b) If a city or town, other than a municipality imposing a tax under (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the city or town may not impose a tax under this section.

(c) If a city has a population of four hundred thousand or more and is located in a county with a population of one million or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals fifteen and two-tenths percent.

(d) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100, or both, at a rate equal to six percent before January 1, 1998, the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1998.

(3) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event.

Sec. 9. RCW 67.28.200 and 1997 c 452 s 14 are each amended to read as follows:

The legislative body of any municipality may establish reasonable exemptions for taxes authorized under this chapter. The department of revenue shall perform the collection of such taxes on behalf of such municipality at no cost to such municipality. Except as expressly provided in this chapter, all of the provisions

contained in RCW 82.08.050 and 82.08.060 and chapter 82.32 RCW shall have full force and application with respect to taxes imposed under the provisions of this chapter."

On page 1, line 3 of the title, strike "and" and after "84.64.080" insert ", 67.28.181, and 67.28.200" and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2878 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Romero and Schindler spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2878, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2878, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

SUBSTITUTE HOUSE BILL NO. 2878, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.50.050 and 2001 c 175 s 1, 2001 c 174 s 1, and 2001 c 49 s 2 are each reenacted and amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system

only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall not grant any motion to seal records made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ~~((ten))~~ five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ~~((five))~~ two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For gross misdemeanors and misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction ~~((and the person is at least eighteen years old. For gross misdemeanors, since the last date of release from confinement, including full time residential treatment, if any, or entry of disposition, the person has spent three consecutive years in the community without committing any offense or crime that subsequently results in conviction and the person is at least eighteen years old))~~. For diversions, since completion of the diversion agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion ~~((and the person is at least eighteen years old))~~;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other

records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

(b) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and reenacting and amending RCW 13.50.050."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dickerson and Delvin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 3078, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3078, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 4007, with the following amendment:

Beginning on page 1, line 10, strike all material through "Washington." on page 3, line 19 and insert the following:

"WHEREAS, Since the birth of this country, our nation owes our coal miners a debt we could never begin to repay for the difficult and dangerous job they perform so we could have the fuel we need to operate our industries and heat our homes; and

WHEREAS, The energy needs of communities throughout the nation have been met due to the hard work and dedication of American coal miners; and

WHEREAS, Millions of workers toiled in the nation's coal mines over the last century, risking both life and limb to fuel the nation's economic expansion, and through their manual labor made possible the technological conveniences of modern American life, though those contributions to the nation's welfare are generally unknown to the public; and

WHEREAS, During the last century, over 100,000 coal miners have been killed in mining accidents in the nation's coal mines, and 3,500,000 coal miners have suffered nonfatal injuries; and

WHEREAS, 100,000 coal miners have contracted Black Lung Disease as a direct result of their toil in the nation's coal mines; and

WHEREAS, Coal provides 50 percent of the nation's electricity and is an essential fuel for industries such as steel, cement, chemical, food, and paper; and

WHEREAS, Coal miners keep the nation supplied with an energy resource that produces electricity for the lowest cost, when compared to fuels other than nuclear, and which makes possible the country's unmatched productivity and prosperity; and

WHEREAS, Coal miners provide a vital pool of labor with the expertise to produce energy supplies from vast national coal reserves, which serves to buffer the country from a dangerous dependence on foreign energy fuels; and

WHEREAS, The United States has a demonstrated coal reserve of more than 500,000,000,000 tons, with an estimated 275,000,000,000 tons of recoverable reserves which, at current production rates, represents about 275 years of recoverable coal reserves; and

WHEREAS, These coal reserves represent about 95 percent of all fossil fuel reserves in the United States, about one-fourth of the world's known coal reserves; and

WHEREAS, Approximately two-thirds of all coal mined in the United States is transported by rail, making coal the largest single source of freight revenue for United States' railroads; and

WHEREAS, Transportation by railroad provided jobs for thousands of workers who built the infrastructure, maintained it, and loaded and unloaded coal; and

WHEREAS, It would be proper and fitting for our nation to recognize our coal miners, both past and present, for their contributions to this nation; and

WHEREAS, Coal mining continues to be the economic engine for many communities, providing jobs to areas with little economic diversity; and

WHEREAS, Coal mining provides an economic benefit far beyond its direct revenue, including billions of dollars in economic output and household earnings and hundreds of thousands of jobs in other industries;

NOW, THEREFORE, Your Memorialists respectfully pray that the United States Postal service issue a postage stamp commemorating American coal miners, which would hold the promise of illustrating a colorful and historically rich segment of society for the benefit of school children, stamp collectors, educators, and the public.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the United States Postmaster General, the Citizens' Stamp Advisory Committee of the United States Postal Service, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to HOUSE JOINT MEMORIAL NO. 4007 and advanced the joint memorial, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hinkle and Linville spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Joint Memorial No. 4007, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4007, as amended by the Senate, and the joint memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Morris and Sullivan - 3.

HOUSE JOINT MEMORIAL NO. 4007, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2004

Mr. Speaker:

The Senate has passed THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. The legislature finds that:

(1) Public confidence in government is essential. Public programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(2) Washington state government and other entities that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars;

(3) State government must establish priorities for the delivery of governmental services and continually reassess the ability of state agencies, programs, and activities to contribute to those priorities. The highest priority programs must be evaluated to determine if they are operating at maximum efficiency, while the lowest priority programs must be assessed to determine their continued viability;

(4) Fair, independent, professional performance audits of state agencies by the state auditor are essential to improving the efficiency and effectiveness of government.

NEW SECTION. Sec. 2. PRIORITIES OF GOVERNMENT. (1) The legislature finds that the highest priority functions of state government serve the following objectives:

(a) Improve student achievement in elementary, middle, and high schools;

(b) Improve the quality and productivity of, and respect for, the state's work force, including consideration of competitive compensation, realistic workloads, and recruitment and retention;

(c) Improve the value of a state college or university education;

(d) Improve the health of the state's citizens;

(e) Improve the security of the state's vulnerable children and adults;

(f) Improve the economic vitality of businesses and individuals;

(g) Improve statewide mobility of people, goods, information, and energy;

(h) Improve the safety of people and property;

(i) Improve the quality of the state's natural resources; and

(j) Improve cultural and recreational opportunities throughout the state.

(2) The ten priority functions of state government identified in this section shall form the basis of the activity assessment under section 4 of this act.

NEW SECTION. Sec. 3. PRIORITIES OF GOVERNMENT OVERSIGHT BOARD. (1) The priorities of government oversight board is established to oversee performance audits and priority-based activity assessments of state government agencies, programs, and activities as provided in sections 4 and 5 of this act.

(2) The board shall consist of fifteen members as follows:

(a) The director of financial management, who shall serve as chair;

(b) The state auditor;

(c) The chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations;

(d) The legislative auditor of the joint legislative audit and review committee;

(e) The director of the state institute for public policy;

(f) One representative of the private sector with expertise in organizational improvement strategies, to be appointed by and serve at the pleasure of the governor;

(g) One representative of state employees, to be appointed by and serve at the pleasure of the governor, in consultation with state employee organizations; and

(h) Five citizens to be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists shall not include members of the legislature. The governor shall select one person from each list provided by each caucus and shall also select a fifth citizen of the governor's choice. The citizen appointees under this subsection (2)(h) shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields. The

citizen appointees shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(3) The office of financial management shall provide lead staff support to the priorities of government oversight board. Additional staff support shall be provided by the other public members of the board.

(4) The members of the priorities of government oversight board shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the committee who are not otherwise employed by the state shall be compensated under RCW 43.03.220.

NEW SECTION. Sec. 4. PRIORITIES OF GOVERNMENT ACTIVITY ASSESSMENTS. (1) By January 1st of each year, the priorities of government oversight board shall select one of the priority functions of government identified in section 2 of this act. By July 1st of each year, for all agency programs and activities within this priority function of government, the board shall determine the relative priority of each program and activity based on the program or activity's contribution to the overall objectives of the function.

(2) Based on the priority list developed under subsection (1) of this section, the board shall select up to two priority programs or activities to be the subject of performance audits conducted under section 5 of this act. One of the programs or activities selected for a performance audit may be from a different priority objective under section 2 of this act. The programs or activities shall be selected for performance audits based on evidence that the program or activity would likely benefit from the evaluation and review.

(3) Based on the priority list developed under subsection (1) of this section, one or more of the lowest priority programs or activities shall be the subject of activity assessments as provided in this subsection. The number and scope of activity assessments conducted under this subsection shall be determined by the board, subject to the availability of funds.

(a) Each activity assessment shall be conducted by an independent contractor selected by the board. For each activity assessment, the contractor shall address the following questions:

(i) Does the program or activity continue to serve the purpose for which it was created?

(ii) In comparison to other programs and priorities, does this purpose continue to merit the use of the state's limited resources?

(iii) Does this program or activity continue to contribute to the priorities of government identified in section 2 of this act?

(iv) Are there better alternatives for the use of these resources or to accomplish the objective of the program or activity?

(b) The board shall release the activity assessment to the citizens of the state, the governor, and the appropriate legislative committees. The board shall also submit proposed legislation, as appropriate, to implement the findings of the activity assessment.

NEW SECTION. Sec. 5. PERFORMANCE AUDITS. (1) The state auditor shall oversee performance audits of those agencies, programs, and activities identified by the board under the activity assessment process in section 4 of this act.

(2) The board shall establish criteria for performance audits. Agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(3) The state auditor shall contract with public and private organizations to conduct the performance audits under this section. The audits may include an evaluation of:

(a) Programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources of the state agency, program, or activity that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, eliminating, blending, or separating functions to correct gaps or overlaps;

(d) Evaluation of planning, budgeting, and program evaluation policies and practices;

(e) Evaluation of personnel systems operation and management;

(f) Evaluation of state purchasing operations and management policies and practices; and

(g) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(4) Audit staff shall have access to any state agency records, data, and other information deemed necessary to carry out the audit. State agencies shall provide the requested information at no cost and in a timely manner. In requesting information from state agencies, the audit staff shall seek to minimize duplication of effort by making maximum use of existing audit records, accreditation records and reports, and other existing program documentation.

(5) The state auditor shall solicit comments on preliminary performance audit reports from the audited state agency, the governor, the office of financial management, the board, and the joint legislative audit and review committee.

(6) The final reports shall be submitted to the board by the state auditor. The board and the state auditor shall jointly release final reports to the citizens of the state, the governor, and the appropriate legislative committees. The board and the state auditor shall also submit proposed legislation, as appropriate, to implement the findings of the performance audit. Final performance audit reports shall be available on the internet.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.88 RCW to read as follows:
In addition to the authority given the state auditor in RCW 43.88.160(6), the state auditor is authorized to contract for and oversee performance audits pursuant to section 5 of this act.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.131 RCW to read as follows:
The priorities of government oversight board created in section 3 of this act and the board's powers and duties shall be terminated June 30, 2010, as provided in section 8 of this act. The joint legislative audit and review committee shall contract with a private entity for the review in this chapter.

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.131 RCW to read as follows:
The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2011:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act; and
- (5) Section 5 of this act.

NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 10.** Section captions used in this act are not any part of the law.

NEW SECTION. **Sec. 11.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "accountability;" strike the remainder of the title and insert "adding a new section to chapter 43.88 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; and creating new sections."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendments to THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 3, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3103 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I GENERAL PROVISIONS

NEW SECTION. **Sec. 1.** The purpose of the board is to:
(1) Develop a statewide strategic master plan for higher education and continually monitor state and institution progress in meeting the vision, goals, priorities, and strategies articulated in the plan;

- (2) Based on objective data analysis, develop and recommend statewide policies to enhance the availability, quality, efficiency, and accountability of public higher education in Washington state;
- (3) Administer state and federal financial aid and other education services programs in a cost-effective manner;
- (4) Serve as an advocate on behalf of students and the overall system of higher education to the governor, the legislature, and the public;
- (5) Represent the broad public interest above the interests of the individual colleges and universities; and
- (6) Coordinate with the governing boards of the two and four-year institutions of higher education, the state board for community and technical colleges, the work force training and education coordinating board, and the superintendent of public instruction to create a seamless system of public education for the citizens of Washington state geared toward student success.

Sec. 2. RCW 28B.80.380 and 1985 c 370 s 9 are each amended to read as follows:

~~((The board shall establish advisory committees composed of members representing faculty, administrators, students, regents and trustees, and staff of the public institutions, the superintendent of public instruction, and the independent institutions.))~~ (1) The board shall establish an advisory council consisting of: The superintendent of public instruction; a representative of the state board of education appointed by the state board of education; a representative of the two-year system of the state board for community and technical colleges appointed by the state board for community and technical colleges; a representative of the work force training and education coordinating board appointed by the work force training and education coordinating board; one representative of the research universities appointed by the president of the University of Washington and the president of Washington State University; a representative of the regional universities and The Evergreen State College appointed through a process developed by the council of presidents; a representative of the faculty for the four-year institutions appointed by the council of faculty representatives; a representative of the proprietary schools appointed by the federation of private career schools and colleges; a representative of the independent colleges appointed by the independent colleges of Washington; and a faculty member in the community and technical college system appointed by the state board for community and technical colleges in consultation with the faculty unions.

(2) The members of the advisory council shall each serve a two-year term except for the superintendent of public instruction, whose term is concurrent with his or her term of office.

(3) The board shall meet with the advisory council at least quarterly and shall seek advice from the council regarding the board's discharge of its statutory responsibilities.

Sec. 3. RCW 28B.80.400 and 2002 c 129 s 2 are each amended to read as follows:

The members of the board, except the chair serving on June 13, 2002, and the student member, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms. The student member shall hold his or her office for a term of one year from the first day of July. The chair serving on June 13, 2002, shall serve at the pleasure of the governor.

Sec. 4. RCW 28B.80.430 and 1987 c 330 s 301 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter ~~((28B.16))~~ 41.06 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter ((28B.16)) 41.06 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rule making, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the ((commission for vocational education)) work force training and education coordinating board, and the state board for community ((college education)) and technical colleges. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

Sec. 5. RCW 28B.80.200 and 1985 c 370 s 20 are each amended to read as follows:

The higher education coordinating board is designated as the state commission as provided for in Section 1202 of the education amendments of 1972 (Public Law 92-318), as now or hereafter amended; and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law(~~(- PROVIDED, That notwithstanding the provisions of RCW 28B.80.050, all members of the board~~

shall have full voting powers in taking actions related to federal postsecondary educational planning functions as provided for in this section and RCW 28B.80.210 through 28B.80.240)).

PART II POLICY AND PLANNING

Sec. 6. RCW 28B.80.345 and 2003 c 130 s 2 are each amended to read as follows:

(1) The board shall develop a statewide strategic master plan for higher education that proposes a vision and identifies goals and priorities for the system of higher education in Washington state. The plan shall encompass all sectors of higher education, including the two-year system, work force training, the four-year institutions, and financial aid. The board shall also specify strategies for maintaining and expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education.

(2) In developing the statewide strategic master plan for higher education, the board shall collaborate with the four-year institutions of higher education including the council of presidents, the community and technical college system, and, when appropriate, the work force training and education coordinating board, the superintendent of public instruction, and the independent higher education institutions. The board shall identify and utilize models of regional planning and decision making before initiating a statewide planning process. The board shall also seek input from students, faculty organizations, community and business leaders in the state, members of the legislature, and the governor.

(3) As a foundation for the statewide strategic master plan for higher education, the board shall ~~((develop and establish))~~ review role and mission statements for each of the four-year institutions of higher education and the community and technical college system. ~~((The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise))~~ The purpose of the review is to ensure institutional roles and missions are aligned with the overall state vision and priorities for higher education.

(4) In assessing needs of the state's higher education system, the board may consider and analyze the following information:

- (a) Demographic, social, economic, and technological trends and their impact on service delivery;
- (b) The changing ethnic composition of the population and the special needs arising from those trends;
- (c) Business and industrial needs for a skilled work force;
- (d) College attendance, retention, transfer, and dropout rates;
- (e) Needs and demands for basic and continuing education and opportunities for lifelong learning by individuals of all age groups; and
- (f) Needs and demands for access to higher education by placebound students and individuals in heavily populated areas underserved by public institutions.

(5) The statewide strategic master plan for higher education shall include, but not be limited to, the following:

- (a) Recommendations based on enrollment forecasts and analysis of data about demand for higher education, and policies and actions to meet those needs;
- (b) State or regional priorities for new or expanded degree programs or off-campus programs, including what models of service delivery may be most cost-effective;
- (c) Recommended policies or actions to improve the efficiency of student transfer and graduation or completion;
- (d) State or regional priorities for addressing needs in high-demand fields where enrollment access is limited and employers are experiencing difficulty finding enough qualified graduates to fill job openings;
- (e) Recommended tuition and fees policies and levels; and
- (f) Priorities and recommendations on financial aid.

(6) The board shall present the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education in a way that provides guidance for institutions, the governor, and the legislature to make further decisions regarding institution-level plans, policies, legislation, and operating and capital funding for higher education. In the statewide strategic master plan for higher education, the board shall recommend specific actions to be taken and identify measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities.

(7) Every four years by December 15th, beginning December 15, 2003, the board shall submit an interim statewide strategic master plan for higher education to the governor and the legislature. The interim plan shall reflect the expectations and policy directions of the legislative higher education and fiscal committees, and shall provide a timely and relevant framework for the development of future budgets and policy proposals. The legislature shall, by concurrent resolution, approve or recommend changes to the interim plan, following public hearings. The board shall submit the final plan, incorporating legislative changes, to the governor and the legislature by June of the year in which the legislature approves the concurrent resolution. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan. The board shall report annually to the governor and the legislature on

the progress being made by the institutions of higher education and the state to implement the strategic master plan.

(8) Each four-year institution shall develop an institution-level strategic plan that implements the vision, goals, priorities, and strategies within the statewide strategic master plan for higher education based on the institution's role and mission. Institutional strategic plans shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities. The board shall review the institution-level plans to ensure the plans are aligned with and implement the statewide strategic master plan for higher education and shall periodically monitor institutions' progress toward achieving the goals and priorities within their plans.

(9) The board shall also review the comprehensive master plan prepared by the state board for community and technical colleges for the community and technical college system under RCW 28B.50.090 to ensure the plan is aligned with and implements the statewide strategic master plan for higher education.

Sec. 7. RCW 28B.80.330 and 2003 c 130 s 3 are each amended to read as follows:

~~(1) The board shall ((perform the following planning duties in consultation)) collaborate~~ with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the work force training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions(~~(:~~

~~(1) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on how the budget requests align with and implement the statewide strategic master plan for higher education under RCW 28B.80.345;~~

~~(a)) to identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature that recommendations from the board reflect not merely the sum of budget requests from multiple institutions, but prioritized funding needs for the overall system of higher education.~~

(2) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities to the institutions and the state board for community and technical colleges. The institutions and the state board for community and technical colleges shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1st of each even-numbered year.

(3) The board shall review and evaluate the operating and capital budget requests from four-year institutions and the community and technical college system based on how the requests align with the board's budget priorities, the missions of the institutions, and the statewide strategic master plan for higher education under RCW 28B.80.345 (as recodified by this act).

(4) The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before November 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year(~~(:~~

~~(b))~~.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st(~~(:~~

~~(2) Recommend legislation affecting higher education;~~

~~(3) Prepare recommendations on merging or closing institutions; and~~

~~(4) Develop criteria for identifying the need for new baccalaureate institutions)).~~

Sec. 8. RCW 28B.80.335 and 2003 1st sp. s. c 8 s 2 are each amended to read as follows:

(1) Beginning with the 2005-2007 biennial capital budget submittal, the public four-year institutions, in consultation with the council of presidents and the higher education coordinating board, shall prepare a single prioritized individual ranking of the individual projects proposed by the four-year institutions as provided in subsection (2) of this section. The public four-year institutions may aggregate minor works project requests into priority categories without separately ranking each minor project, provided that these aggregated minor works requests are ranked within the overall list. For repairs and improvements to existing facilities and systems, the rating and ranking of individual projects must be based on criteria or factors that include, but are not limited to, the age and condition of buildings or systems, the programmatic suitability of the building or system, and the activity/occupancy level supported by the building or system. For projects creating new space or capacity, the ratings and rankings of projects must be based upon criteria or factors that include, but are not limited to, measuring existing capacity and progress toward meeting increased space utilization levels as determined by the higher education coordinating board.

(2) The single prioritized four-year project list shall be approved by the governing boards of each public four-year institution and shall be submitted to the office of financial management and the higher education coordinating board concurrent with the institution's submittal of their biennial capital budget requests.

(3)(a) The higher education coordinating board, in consultation with the office of financial management and the joint legislative audit and review committee, shall develop common definitions that public four-year institutions and the state board for community and technical colleges shall use in developing their project lists under this section.

(b) As part of its duties under RCW 28B.80.330(~~(4)~~) (as recodified by this act), the higher education coordinating board shall, as part of its biennial budget guidelines, disseminate, by December 1st of each odd-numbered year, the criteria framework, including general definitions, categories, and rating system, to be used by the public four-year institutions in the development of the prioritized four-year project list. The criteria framework shall specify the general priority order of project types based on criteria determined by the board, in consultation with the public four-year institutions.

(c) Under RCW 28B.80.330(~~(4)~~) (as recodified by this act), the public four-year institutions shall submit a preliminary prioritized four-year project list to the higher education coordinating board by August 1st of each even-numbered year.

(d) The state board for community and technical colleges shall, as part of its biennial capital budget request, submit a single prioritized ranking of the individual projects proposed for the community and technical colleges. The state board for community and technical colleges shall submit an outline of the prioritized community and technical college project list to the higher education coordinating board under RCW 28B.80.330(~~(4)~~) (as recodified by this act) by August 1st of each even-numbered year.

(4) The higher education coordinating board, in consultation with the public four-year institutions, shall resolve any disputes or disagreements arising among the four-year institutions concerning the ranking of particular projects. Further, should one or more governing boards of the public four-year institutions fail to approve the prioritized four-year project list as required in this section, or should a prioritized project list not be submitted by the public four-year institutions concurrent with the submittal of their respective biennial capital budget requests as provided in subsection (2) of this section, the higher education coordinating board shall prepare the prioritized four-year institution project list itself.

(5) In developing any rating and ranking of capital projects proposed by the two-year and four-year public universities and colleges, the board:

(a) Shall be provided with available information by the public two-year and four-year institutions as deemed necessary by the board;

(b) May utilize independent services to verify, sample, or evaluate information provided to the board by the two-year and four-year institutions; and

(c) Shall have full access to all data maintained by the office of financial management and the joint legislative audit and review committee concerning the condition of higher education facilities.

(6) Beginning with the 2005-2007 biennial capital budget submittal, the higher education coordinating board shall, in consultation with the state board for community and technical colleges and four-year colleges and universities, submit its capital budget recommendations and the separate two-year and four-year prioritized project lists.

NEW SECTION. Sec. 9. (1) The board shall develop a comprehensive and ongoing assessment process to analyze the need for additional degrees and programs, additional off-campus centers and locations for degree programs, and consolidation or elimination of programs by the four-year institutions.

(2) As part of the needs assessment process, the board shall examine:

(a) Projections of student, employer, and community demand for education and degrees, including liberal arts degrees, on a regional and statewide basis;

(b) Current and projected degree programs and enrollment at public and private institutions of higher education, by location and mode of service delivery; and

(c) Data from the work force training and education coordinating board and the state board for community and technical colleges on the supply and demand for work force education and certificates and associate degrees.

(3) Every two years the board shall produce, jointly with the state board for community and technical colleges and the work force training and education coordinating board, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated work force. The assessment shall include the number of forecasted net job openings at each level of higher education and training and the number of credentials needed to match the forecast of net job openings.

(4) The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(5) The following activities are subject to approval by the board:

(a) New degree programs by a four-year institution;

(b) Creation of any off-campus program by a four-year institution;

(c) Purchase or lease of major off-campus facilities by a four-year institution or a community or technical college;

(d) Creation of higher education centers and consortia; and

(e) New degree programs and creation of off-campus programs by an independent college or university in collaboration with a community or technical college.

(6) Institutions seeking board approval under this section must demonstrate that the proposal is justified by the needs assessment developed under this section. Institutions must also demonstrate how the proposals align with or implement the statewide strategic master plan for higher education under RCW 28B.80.345 (as recodified by this act).

(7) The board shall develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section, which must include review and consultation with the institution and other interested agencies and individuals.

(8) The board shall periodically recommend consolidation or elimination of programs at the four-year institutions, based on the needs assessment analysis.

Sec. 10. RCW 28B.80.280 and 1998 c 245 s 23 are each amended to read as follows:

The board shall ~~((, in cooperation with the state institutions of higher education and the state board for community and technical colleges, establish and maintain a statewide transfer of credit policy and agreement. The policy and agreement shall, where feasible, include course and program descriptions consistent with statewide interinstitutional guidelines))~~ adopt statewide transfer and articulation policies that ensure efficient transfer of credits and courses across public two and four-year institutions of higher education. The intent of the policies is to create a statewide system of articulation and alignment between two and four-year institutions. Policies may address but are not limited to creation of a statewide system of course equivalency, creation of transfer associate degrees, statewide articulation agreements, applicability of technical courses toward baccalaureate degrees, and other issues. The institutions of higher education and the state board for community and technical colleges shall cooperate with the board in developing the statewide policies and shall provide support and staff resources as necessary to assist in ((developing and)) maintaining ((this policy and agreement. The statewide transfer of credit policy and agreement shall be effective beginning with the 1985-86 academic year)) the policies. The board shall submit a progress report to the higher education committees of the senate and house of representatives by December 1, 2006, by which time the legislature expects measurable improvement in alignment and transfer efficiency.

NEW SECTION. Sec. 11. (1) The board shall establish an accountability monitoring and reporting system as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals in higher education.

(2) Based on guidelines prepared by the board, each four-year institution and the state board for community and technical colleges shall submit a biennial plan to achieve measurable and specific improvements each academic year on statewide and institution-specific performance measures. Plans shall be submitted to the board along with the biennial budget requests from the institutions and the state board for community and technical colleges. Performance measures established for the community and technical colleges shall reflect the role and mission of the colleges.

(3) The board shall approve biennial performance targets for each four-year institution and for the community and technical college system and shall review actual achievements annually. The state board for community and technical colleges shall set biennial performance targets for each college or district, where appropriate.

(4) The board shall submit a report on progress towards the statewide goals, with recommendations for the ensuing biennium, to the fiscal and higher education committees of the legislature along with the board's biennial budget recommendations.

(5) The board, in collaboration with the four-year institutions and the state board for community and technical colleges, shall periodically review and update the accountability monitoring and reporting system.

(6) The board shall develop measurable indicators and benchmarks for its own performance regarding cost, quantity, quality, and timeliness and including the performance of committees and advisory groups convened under this chapter to accomplish such tasks as improving transfer and articulation, improving articulation with the K-12 education system, measuring educational costs, or developing data protocols. The board shall submit its accountability plan to the legislature concurrently with the biennial report on institution progress.

NEW SECTION. Sec. 12. (1) In consultation with the institutions of higher education and state education agencies, the board shall identify the data needed to carry out its responsibilities for policy analysis, accountability, program improvements, and public information. The primary goals of the board's data collection and research are to describe how students and other beneficiaries of higher education are being served; to support higher education accountability; and to assist state policymakers and institutions in making policy decisions.

(2) The board shall convene a research advisory group and shall collaborate with the group to identify the most cost-effective manner for the board to collect data or access existing data. The board shall work with the advisory group to develop research priorities, policies, and common definitions to maximize the reliability

and consistency of data across institutions. The advisory group shall include representatives of public and independent higher education institutions and other state agencies, including the state board for community and technical colleges, the office of the superintendent of public instruction, the office of financial management, the employment security department, the work force training and education coordinating board, and other agencies as appropriate.

(3) Specific protocols shall be developed by the board and the advisory group to protect the privacy of individual student records while ensuring the availability of student data for legitimate research purposes.

Sec. 13. RCW 28B.80.350 and 1993 c 77 s 2 are each amended to read as follows:

The board shall ~~((coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions and the state board for community and technical colleges shall coordinate information and activities with the board. The board shall))~~ have the following additional policy responsibilities:

(1) ~~((Promote interinstitutional cooperation))~~ Perform periodic analyses of tuition, financial aid, faculty compensation, institution funding levels, enrollment, and other policy issues and provide reports to the governor and the legislature;

(2) Establish minimum admission standards for four-year institutions, including a requirement that coursework in American sign language or an American Indian language shall satisfy any requirement for instruction in a language other than English that the board or the institutions may establish as a general undergraduate admissions requirement;

~~(3) ((Establish transfer policies;~~

~~(4)) Adopt rules implementing statutory residency requirements;~~

~~((5) Develop and administer reciprocity agreements with bordering states and the province of British Columbia;~~

~~(6) Review and recommend compensation practices and levels for administrative employees, exempt under chapter 28B.16 RCW, and faculty using comparative data from peer institutions;~~

~~(7) Monitor higher education activities for compliance with all relevant state policies for higher education;~~

~~(8) Arbitrate disputes between and among four-year institutions or between and among four-year institutions and community colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the board shall be binding on the participants in the dispute;~~

~~(9) Establish and implement a state system for collecting, analyzing, and distributing information;~~

~~(10) Recommend to the governor and the legislature ways to remove any economic incentives to use off-campus program funds for on-campus activities; and~~

~~(11))~~ (4) Make recommendations to increase minority participation, and monitor and report on the progress of minority participation in higher education;

(5) In cooperation with the institutions of higher education, highlight and promote innovative programs to improve the quality of instruction, promote local and regional economic development, and enhance efficiency in higher education;

(6) Manage competitive processes for awarding high demand enrollments authorized by the legislature. Public baccalaureate institutions and private independent institutions are eligible to apply for funding and may submit proposals; and

(7) Recommend legislation affecting higher education.

Sec. 14. RCW 28B.10.044 and 1997 c 48 s 1 are each amended to read as follows:

(1) The ~~((higher education coordinating))~~ board shall annually develop information on the approximate amount of state support that students receive. For students at state-supported colleges and universities, the information shall include the approximate level of support received by students in each tuition category. That information may include consideration of the following: Expenditures included in the educational cost formula, revenue forgiven from waived tuition and fees, state-funded financial aid awarded to students at public institutions, and all or a portion of appropriated amounts not reflected in the educational cost formula for institutional programs and services that may affect or enhance the educational experience of students at a particular institution. For students attending a private college, university, or proprietary school, the information shall include the amount of state-funded financial aid awarded to students attending the institution.

(2) Beginning July 30, 1993, the board shall annually provide information appropriate to each institution's student body to each state-supported four-year institution of higher education and to the state board for community and technical colleges for distribution to community colleges and technical colleges.

(3) Beginning July 30, 1993, the board shall annually provide information on the level of financial aid received by students at that institution to each private university, college, or proprietary school, that enrolls students receiving state-funded financial aid.

(4) Beginning with the 1997 fall academic term, each institution of higher education described in subsection (2) or (3) of this section shall provide to students at the institution information on the approximate amount that the state is contributing to the support of their education. Information provided to students at each state-supported college and university shall include the approximate amount of state support received by students in each tuition category at that institution. The amount of state support shall be based on the information provided by the ~~((higher education coordinating))~~ board under subsections (1) through (3) of this section. The information shall be provided to students at the beginning of each academic term through one or more of the following: Registration materials, class schedules, tuition and fee billing packets, student newspapers, or via e-mail or kiosk.

Sec. 15. RCW 28B.15.070 and 1995 1st sp.s. c 9 s 7 are each amended to read as follows:

(1) The ~~((higher education coordinating))~~ board, in consultation with the house of representatives and senate committees responsible for higher education, the respective fiscal committees of the house of representatives and senate, the office of financial management, the state board for community and technical colleges, and the state institutions of higher education, shall develop ~~((by December of every fourth year beginning in 1989, definitions, criteria, and procedures for determining))~~ standardized methods and protocols for measuring the undergraduate and graduate educational costs for the state universities, regional universities, and community colleges, including but not limited to the costs of instruction, costs to provide degrees in specific fields, and costs for precollege remediation.

~~(2) ((Every four years, the state institutions of higher education in cooperation with the higher education coordinating board shall perform an educational cost study pursuant to subsection (1) of this section. The study shall be conducted based on every fourth academic year beginning with 1989 90. Institutions shall complete the studies within one year of the end of the study year and report the results to the higher education coordinating board for consolidation, review, and distribution.))~~ By December 1, 2004, the board must propose a schedule of regular cost study reports intended to meet the information needs of the governor's office and the legislature and the requirements of RCW 28B.10.044 and submit the proposed schedule to the higher education and fiscal committees of the house of representatives and the senate for their review.

~~(3) ((In order to conduct the study required by subsection (2) of this section, the higher education coordinating board, in cooperation with))~~ The institutions of higher education((, shall develop a methodology that requires the collection of comparable educational cost data, which utilizes a faculty activity analysis or similar instrument)) shall participate in the development of cost study methods and shall provide all necessary data in a timely fashion consistent with the protocols developed.

Sec. 16. RCW 28B.15.076 and 1995 1st sp.s. c 9 s 6 are each amended to read as follows:

The ~~((higher education coordinating))~~ board shall determine and transmit amounts constituting approved undergraduate and graduate educational costs to the several boards of regents and trustees of the state institutions of higher education by November 10 of each even-numbered year ~~((except the year 1990 for which the transmittal shall be made by December 17))~~.

Sec. 17. RCW 28B.80.175 and 1994 c 222 s 3 are each amended to read as follows:

The higher education coordinating board shall work with the state board of education ~~((to establish the task force under RCW 28A.305.285))~~, the superintendent of public instruction, the state board for community and technical colleges, the work force training and education coordinating board, two and four-year institutions of higher education, and school districts to improve coordination, articulation, and transitions among the state's systems of education. The goal of improved coordination is increased student success. Topics to address include: Expansion of dual enrollment options for students; articulation agreements between institutions of higher education and high schools; improved alignment of high school preparatory curriculum and college readiness. The board, in conjunction with the other education agencies, shall submit a biennial update on the work accomplished and planned under this section to the education and higher education committees of the legislature, beginning January 15, 2005.

PART III EDUCATION SERVICES ADMINISTRATION

Sec. 18. RCW 28B.80.360 and 1998 c 245 s 24 are each amended to read as follows:

~~((The board shall perform the following administrative responsibilities:
(4))~~ In addition to administrative responsibilities assigned in this chapter, the board shall administer the programs set forth in the following statutes: RCW 28A.600.100 through 28A.600.150 (Washington scholars); ~~((chapter 28B.04 RCW (displaced homemakers);))~~ chapter 28B.85 RCW (degree-granting institutions); ~~((RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program))~~ chapter 28B.-- RCW (as created in section 78 of this act) (state need grant); chapter 28B.12 RCW (work study); ~~((RCW 28B.15.067 (establishing tuition and fees);))~~ RCW

28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); (~~RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).~~

~~(2) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high technology board); chapter 28B.85 RCW (degree granting institutions); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW 28A.600.120 through 28A.600.150 (Washington scholars); RCW 28B.15.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study);) RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); (~~and RCW 28B.15.760 through 28B.15.764 (math/science loans)~~) chapter 28B.101 RCW (educational opportunity grant); chapter 28B.102 RCW (future teachers conditional scholarship); chapter 28B.108 RCW (American Indian endowed scholarship); chapter 28B.109 RCW (Washington international exchange scholarship); chapter 28B.115 RCW (health professional conditional scholarship); chapter 28B.119 RCW (Washington promise scholarship); and chapter 28B.133 RCW (gaining independence for students with dependents).~~

Sec. 19. RCW 28B.10.859 and 1989 c 187 s 1 are each amended to read as follows:

For the purposes of RCW 28B.10.866 through 28B.10.873 (as recodified by this act), "private donation" includes assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

Sec. 20. RCW 28B.10.868 and 1991 sp.s. c 13 s 99 are each amended to read as follows:

Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. At the request of the higher education coordinating board under RCW 28B.10.870 (as recodified by this act), the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. 21. RCW 28B.10.873 and 1987 c 8 s 8 are each amended to read as follows:

A distinguished professorship program established under chapter 343, Laws of 1985 shall continue to operate under RCW 28B.10.866 through 28B.10.872 (as recodified by this act) and the requirements of RCW 28B.10.866 through 28B.10.872 (as recodified by this act) shall apply.

Sec. 22. RCW 28B.10.882 and 1991 sp.s. c 13 s 88 are each amended to read as follows:

Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. At the request of the higher education coordinating board under RCW 28B.10.884 (as recodified by this act), the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. 23. RCW 28B.80.160 and 1995 c 217 s 1 are each amended to read as follows:

In the development of any such plans as called for within RCW 28B.80.150 (as recodified by this act), the board shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance.

(2) For recipients named after January 1, 1995, the tuition assistance shall be in the form of loans that may be completely forgiven in exchange for the student's service within the state of Washington after graduation. The requirements for such service and provisions for loan forgiveness shall be determined in rules adopted by the board.

(3) If appropriations are insufficient to fund all students qualifying under subsection (1) of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

(4) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, that are paid by or on behalf of participants under this section, shall be deposited with the board and placed in an account created in this section and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional loans to eligible students.

(5) The Washington interstate commission on higher education professional student exchange program trust fund is created in the custody of the state treasurer. All receipts from loan repayment shall be deposited

into the fund. Only the higher education coordinating board, or its designee, may authorize expenditures from the fund. No appropriation is required for expenditures from this fund.

Sec. 24. RCW 28B.80.245 and 1999 c 159 s 3 are each amended to read as follows:

(1) Recipients of the Washington scholars award or the Washington scholars-alternate award under RCW 28A.600.100 through 28A.600.150 who choose to attend an independent college or university in this state, as defined in subsection (4) of this section, and recipients of the award named after June 30, 1994, who choose to attend a public college or university in the state may receive grants under this section if moneys are available. The higher education coordinating board shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. Grants to recipients attending an independent institution shall be contingent upon the institution matching on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. The higher education coordinating board shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) The higher education coordinating board shall establish rules that provide for the annual awarding of grants, if moneys are available, to three Washington scholars per legislative district; and, if not used by an original recipient, to the Washington scholars-alternate from the same legislative district.

Beginning with scholars selected in the year 2000, if the recipients of grants fail to demonstrate in a timely manner that they will enroll in a Washington institution of higher education in the fall term of the academic year following the award of the grant or are deemed by the higher education coordinating board to have withdrawn from college during the first academic year following the award, then the grant shall be considered relinquished. The higher education coordinating board may then award any remaining grant amounts to the Washington scholars-alternate from the same legislative district if the grants are awarded within one calendar year of the recipient being named a Washington scholars-alternate. Washington scholars-alternates named as recipients of the grant must also demonstrate in a timely manner that they will enroll in a Washington institution of higher education during the next available term, as determined by the higher education coordinating board. The board may accept appeals and grant waivers to the enrollment requirements of this section based on exceptional mitigating circumstances of individual grant recipients.

To maintain eligibility for the grants, recipients must maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible to receive a maximum of twelve quarters or eight semesters of grants for undergraduate study and may transfer among in-state public and independent colleges and universities during that period and continue to receive the grant as provided under RCW 28B.80.246 (as recodified by this act). If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(3) No grant shall be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) As used in this section, "public college or university" means an institution of higher education as defined in RCW 28B.10.016.

Sec. 25. RCW 28B.80.246 and 1995 1st sp.s. c 5 s 4 are each amended to read as follows:

Students receiving grants under RCW 28B.80.245 (as recodified by this act) or waivers under RCW 28B.15.543 are entitled to transfer among in-state public and independent colleges or universities and to continue to receive award benefits, as provided in this section, in the form of a grant or waiver of tuition and services and activities fees while enrolled at such institutions during the period of eligibility. The total grants or waivers for any one student shall not exceed twelve quarters or eight semesters of undergraduate study.

(1) Scholars named to the award on or before June 30, 1994, may transfer between in-state public institutions, or from an eligible independent college or university to an in-state public institution of higher education, and are entitled to receive the waiver of tuition and services and activities fees.

(2) Scholars named to the award on or before June 30, 1994, may transfer from an in-state public institution to an eligible independent college or university, or between eligible independent colleges or universities, and continue to receive a grant contingent upon available funding.

(3) Scholars named to the award after June 30, 1994, may transfer among in-state public or private colleges and universities and continue to receive the grant contingent upon available funding.

(4) In addition, scholars who transfer to an eligible independent institution may receive the grant contingent upon the agreement of the school to match on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state.

Sec. 26. RCW 28B.80.620 and 1999 c 177 s 2 are each amended to read as follows:

(1) The higher education coordinating board, in consultation with the state board of education has the following powers and duties in administering the pilot program established in RCW 28B.80.622 (as recodified by this act):

(a) To adopt rules necessary to carry out the program;

(b) To establish one or more review committees to assist in the evaluation of proposals for funding.

The review committee shall include individuals with significant experience in higher education in areas relevant to one or more of the funding period priorities and shall include representatives from elementary, two-year, and four-year sectors of education;

(c) To award grants no later than September 1st in those years when funding is available by June 30th;

(d) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. During the 1999-2001 biennium, the guidelines shall be consistent with the following desired outcomes of:

(i) Designing a college-level course for enrollment of selected high school seniors interested in teaching careers and students enrolled in a school-based future teachers academy;

(ii) Designing discipline-based lower division courses that are thematically linked to state student learning goals, essential academic learning requirements, and upper division courses in the interdisciplinary arts and science curriculum and supportive of teaching areas appropriate for prospective teachers;

(iii) Designing a preprofessional educational studies minor that would be pursued by prospective kindergarten through eighth grade teachers in conjunction with an interdisciplinary arts and science major;

(iv) Designing mentoring and service learning activities at the community college level that would provide prospective teachers with an orientation to professional education; and

(v) Designing a process for satisfying certification requirements that encompasses pedagogical coursework and school-based internships cognizant of the financial constraints of working students.

(2) The pilot project in this section shall conclude no later than January 1, 2005.

(3) Beginning on December 31, 2001, the higher education coordinating board shall submit an annual written report to the education and higher education committees of the legislature, the state board of education, and the office of the superintendent of public instruction on the status of the pilot project.

Sec. 27. RCW 28B.80.626 and 1999 c 177 s 5 are each amended to read as follows:

The higher education coordinating board teacher training pilot account is established in the custody of the state treasurer. The higher education coordinating board shall deposit in the account all moneys received under RCW 28B.80.624 (as recodified by this act). Moneys in the account may be spent only for the purposes of RCW 28B.80.622 (as recodified by this act). Disbursements from the account shall be on the authorization of the higher education coordinating board. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

PART IV TRANSFER DISPLACED HOMEMAKER PROGRAM

NEW SECTION. Sec. 28. (1) The powers, duties, and functions of administering the displaced homemaker program under chapter 28B.04 RCW are hereby transferred from the higher education coordinating board to the state board for community and technical colleges.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education coordinating board related to the displaced homemaker program shall be delivered to the custody of the state board for community and technical colleges. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the higher education coordinating board for the displaced homemaker program shall be made available to the state board for community and technical colleges. All funds, credits, or other assets held by the higher education coordinating board for the displaced homemaker program shall be assigned to the state board for community and technical colleges.

(b) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(c) Any appropriations made in connection with the powers, duties, and functions transferred by this act shall, on the effective date of this section, be transferred and credited to the state board for community and technical colleges.

(3) All employees of the higher education coordinating board related to the displaced homemaker program are transferred to the jurisdiction of the state board for community and technical colleges. All

employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board for community and technical colleges to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the higher education coordinating board related to the displaced homemaker program shall be continued and acted upon by the state board for community and technical colleges. All existing contracts and obligations shall remain in full force and shall be performed by the state board for community and technical colleges.

(5) The transfer of the powers, duties, functions, and personnel of the higher education coordinating board related to the displaced homemaker program shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

Sec. 29. RCW 28B.04.020 and 1985 c 370 s 36 are each amended to read as follows:

The legislature finds that homemakers are an unrecognized part of the work force who make an invaluable contribution to the strength, durability, and purpose of our state.

The legislature further finds that there is an increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, disability of spouse, or other loss of family income of a spouse. As a consequence, displaced homemakers are very often left with little or no income; they are ineligible for categorical welfare assistance; they are subject to the highest rate of unemployment of any sector of the work force; they face continuing discrimination in employment because of their age and lack of recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security benefits because they are too young, and many never qualify because they have been divorced from the family wage earner; they may have lost beneficiaries' rights under employer's pension and health plans through divorce or death of spouse; and they are often unacceptable to private health insurance plans because of their age.

It is the purpose of this chapter to establish guidelines under which the (~~higher education coordinating board~~) state board for community and technical colleges shall contract to establish multipurpose service centers and programs to provide necessary training opportunities, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

Sec. 30. RCW 28B.04.030 and 1985 c 370 s 37 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the (~~higher education coordinating board~~) state board for community and technical colleges.

(2) "Center" means a multipurpose service center for displaced homemakers as described in RCW 28B.04.040.

(3) "Program" means those programs described in RCW 28B.04.050 which provide direct, outreach, and information and training services which serve the needs of displaced homemakers.

(4) "Displaced homemaker" means an individual who:

(a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and

(b) Is not gainfully employed;

(c) Needs assistance in securing employment; and

(d) Has been dependent on the income of another family member but is no longer supported by that income, or has been dependent on federal assistance but is no longer eligible for that assistance, or is supported as the parent of minor children by public assistance or spousal support but whose children are within two years of reaching their majority.

Sec. 31. RCW 28B.04.080 and 1985 c 370 s 42 are each amended to read as follows:

(1) The board shall consult and cooperate with the department of social and health services; the (~~state board for community college education~~) higher education coordinating board; the superintendent of public instruction; the (~~commission for vocational education~~) work force training and education coordinating board; the employment security department; the department of labor and industries; sponsoring agencies under the federal comprehensive employment and training act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.), and any other persons or agencies as the board deems appropriate to facilitate the coordination of centers established under this chapter with existing programs of a similar nature.

(2) Annually on July 1st, each agency listed in subsection (1) of this section shall submit a description of each service or program under its jurisdiction which would support the programs and centers established by this chapter and the funds available for such support.

(3) The board shall serve as a clearinghouse for displaced homemaker information and resources and shall compile and disseminate statewide information to the centers, related agencies, and interested persons upon request.

Sec. 32. RCW 28B.04.085 and 1987 c 230 s 2 are each amended to read as follows:

(1) The executive coordinator of the (~~higher education coordinating~~) board shall establish an advisory committee, to be known as the displaced homemaker program advisory committee.

(2) The advisory committee shall be advisory to the executive coordinator and staff of the board.

(3) Committee membership shall not exceed twenty-two persons and shall be geographically and generally representative of the state. At least one member of the advisory committee shall either be or recently have been a displaced homemaker.

(4) Functions of the advisory committee shall be:

(a) To provide advice on all aspects of administration of the displaced homemaker program, including content of program rules, guidelines, and application procedures;

(b) To assist in coordination of activities under the displaced homemaker program with related activities of other state and federal agencies, with particular emphasis on facilitation of coordinated funding.

NEW SECTION. **Sec. 33.** Sections 28 through 32 of this act take effect July 1, 2005.

PART V STATE NEED GRANT

Sec. 34. RCW 28B.10.800 and 1999 c 345 s 2 are each amended to read as follows:

The purposes of (~~RCW 28B.10.800 through 28B.10.824~~) this chapter are to establish the principles upon which the state financial aid programs will be based and to establish the state of Washington state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education (~~, as defined in RCW 28B.10.802(1)~~). State need grants under (~~RCW 28B.10.800 through 28B.10.824~~) this chapter are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

Sec. 35. RCW 28B.10.802 and 2002 c 187 s 1 are each amended to read as follows:

As used in (~~RCW 28B.10.800 through 28B.10.824~~) this chapter:

(1) "Institution of higher education" (~~shall mean (1) (a)~~) means:

(a) Any public university, college, community college, or (~~vocational technical institute~~) technical college operated by the state of Washington or any political subdivision thereof; or

~~((2) (b))~~ (b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822 (as recodified by this act).

(2) (~~The term~~) "Financial aid" (~~shall mean~~) means loans and/or grants to needy students enrolled or accepted for enrollment as a student at institutions of higher education.

(3) (~~The term~~) "Needy student" (~~shall mean~~) means a post high school student of an institution of higher (~~learning as defined in subsection (1) of this section~~) education who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) (~~The term~~) "Disadvantaged student" (~~shall mean~~) means a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher (~~learning~~) education, who would otherwise qualify as a needy student, and who is attending an institution of higher (~~learning~~) education under an established program designed to qualify the student for enrollment as a full time student.

(5) (~~Commission or~~) "Board" (~~shall mean~~) means the higher education coordinating board.

Sec. 36. RCW 28B.10.804 and 1999 c 345 s 3 are each amended to read as follows:

The board shall be cognizant of the following guidelines in the performance of its duties:

(1) The board shall be research oriented, not only at its inception but continually through its existence.

(2) The board shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The board shall take the initiative and responsibility for coordinating all federal student financial aid programs to ensure that the state recognizes the maximum potential effect of these programs, and shall design state programs that complement existing federal, state, and institutional programs. The board shall ensure that state programs continue to follow the principle that state financial aid funding follows the student to the student's choice of institution of higher education.

(4) Counseling is a paramount function of the state need grant and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the board, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element of the state's involvement.

(6) The board shall ensure that allocations of state appropriations for financial aid are made to individuals and institutions in a timely manner and shall closely monitor expenditures to avoid under or overexpenditure of appropriated funds.

Sec. 37. RCW 28B.10.808 and 1999 c 345 s 5 are each amended to read as follows:

In awarding need grants, the board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The board shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the board's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.10.8081 (as recodified by this act).

(4) In computing financial need, the board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

Sec. 38. RCW 28B.10.8081 and 1991 c 164 s 3 are each amended to read as follows:

Under rules adopted by the board, the provisions of RCW 28B.10.808(3) (as recodified by this act) shall not apply to eligible students, as defined in RCW 28B.10.017, and eligible students shall not be required to repay the unused portions of grants received under the state student financial aid program.

Sec. 39. RCW 28B.10.810 and 1999 c 345 s 6 are each amended to read as follows:

For a student to be eligible for a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the board in accordance with RCW 28B.10.802 (3) and (4) (as recodified by this act).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.10.802(1) (as recodified by this act).

(4) Have complied with all the rules and regulations adopted by the board for the administration of ~~(RCW 28B.10.800 through 28B.10.824)~~ this chapter.

Sec. 40. RCW 28B.10.816 and 1969 ex.s. c 222 s 16 are each amended to read as follows:

A state financial aid recipient under (~~RCW 28B.10.800 through 28B.10.824~~) this chapter shall apply the award toward the cost of tuition, room, board, books and fees at the institution of higher education attended.

Sec. 41. RCW 28B.10.818 and 1969 ex.s. c 222 s 17 are each amended to read as follows:

Funds appropriated for student financial assistance to be granted pursuant to (~~RCW 28B.10.800 through 28B.10.824~~) this chapter shall be disbursed as determined by the (~~commission~~) board.

Sec. 42. RCW 28B.10.820 and 1969 ex.s. c 222 s 18 are each amended to read as follows:

The (~~commission~~) board shall be authorized to accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of granting financial aid in addition to that funded by the state.

Sec. 43. RCW 28B.10.822 and 1999 c 345 s 7 are each amended to read as follows:

The board shall adopt rules as may be necessary or appropriate for effecting the provisions of (~~RCW 28B.10.800 through 28B.10.824 and 28B.10.801, and not in conflict with RCW 28B.10.800 through 28B.10.824~~) this chapter, in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

Sec. 44. RCW 28B.10.790 and 1985 c 370 s 54 are each amended to read as follows:

Washington residents attending any nonprofit college or university in another state which has a reciprocity agreement with the state of Washington shall be eligible for the student financial aid program outlined in (~~RCW 28B.10.800 through 28B.10.824~~) chapter 28B.-- RCW (as created in section 78 of this act) if (1) they qualify as a "needy student" under RCW 28B.10.802(3) (as recodified by this act), and (2) the institution attended is a member institution of an accrediting association recognized by rule of the higher education coordinating board for the purposes of this section and is specifically encompassed within or directly affected by such reciprocity agreement and agrees to and complies with program rules and regulations pertaining to such students and institutions adopted pursuant to RCW 28B.10.822 (as recodified by this act).

PART VI MISCELLANEOUS

Sec. 45. RCW 28B.10.650 and 1985 c 370 s 53 are each amended to read as follows:

It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board of trustees of each community college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW (~~28B.16.040~~) 41.06.070, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) of this section.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would have otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of financial management, who are engaged in instruction, and exempt staff as defined in RCW ~~((28B.16.040))~~ 41.06.070.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall maintain such information which will ensure compliance with the provisions of this section. ~~((The higher education coordinating board shall periodically request such information as to ensure institutions are in compliance.))~~

Sec. 46. RCW 28A.600.110 and 1994 c 234 s 4 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools who have distinguished themselves academically among their peers.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington state scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543 and grants under RCW 28B.80.245 (as recodified by this act).

Sec. 47. RCW 28B.10.020 and 1985 c 370 s 50 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or condemnation in the manner provided by chapter 8.04 RCW for condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively. However, the purchase or lease of major off-campus facilities is subject to the approval of the higher education coordinating board under ~~((RCW 28B.80.340))~~ section 9 of this act.

Sec. 48. RCW 28B.10.050 and 1985 c 370 s 91 are each amended to read as follows:

Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities, the regional universities, and The Evergreen State College may establish entrance requirements for their respective institutions of higher education which meet or exceed the minimum entrance requirements established under RCW 28B.80.350(2) (as recodified by this act).

Sec. 49. RCW 28B.15.543 and 1995 1st sp.s. c 5 s 2 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and service and activities fees for students named by the higher education coordinating board on or before June 30, 1994, as recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150. The waivers shall be used only for undergraduate studies. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible to receive a maximum of twelve quarters or eight semesters of waivers and may transfer among state-supported institutions of higher education during that period and continue to have the tuition and services and activities fees waived by the state-supported institution of higher education that the student attends. Should the student's cumulative grade point average fall below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(2) Students named by the higher education coordinating board after June 30, 1994, as recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 shall be eligible to receive a grant for undergraduate course work as authorized under RCW 28B.80.245 (as recodified by this act).

Sec. 50. RCW 28B.15.545 and 1995 1st sp.s. c 7 s 7 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and services and activities fees for a maximum of two years for those recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540 who received their awards before June 30, 1994. Each recipient shall not receive a waiver for more than six quarters or four semesters. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award. A minimum grade point average at the college or university equivalent to 3.00, or an above-average rating at a technical college, shall be required in the first year to qualify for the second-year waiver. The tuition waiver shall be granted for undergraduate studies only.

(2) Students named by the work force training and education coordinating board after June 30, 1994, as recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550 shall be eligible to receive a grant for undergraduate course work as authorized under RCW 28B.80.272 (as recodified by this act).

Sec. 51. RCW 28B.15.910 and 2000 c 152 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington 21 percent
- (b) Washington State University 20 percent
- (c) Eastern Washington University 11 percent
- (d) Central Washington University 8 percent
- (e) Western Washington University 10 percent
- (f) The Evergreen State College 6 percent
- (g) Community colleges as a whole 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.10.265;
- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;
- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;
- (f) RCW 28B.15.520;
- (g) RCW 28B.15.526;
- (h) RCW 28B.15.527;
- (i) RCW 28B.15.543;
- (j) RCW 28B.15.545;
- (k) RCW 28B.15.555;
- (l) RCW 28B.15.556;
- (m) RCW 28B.15.615;
- (n) RCW 28B.15.620;
- (o) RCW 28B.15.628;
- (p) RCW 28B.15.730;
- (q) RCW 28B.15.740;
- (r) RCW 28B.15.750;
- (s) RCW 28B.15.756;
- (t) RCW 28B.50.259;
- (u) RCW 28B.70.050; and
- (v) (~~RCW 28B.80.580; and~~

~~(w))~~) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent

Sec. 52. RCW 28B.20.130 and 1998 c 245 s 16 are each amended to read as follows:

General powers and duties of the board of regents are as follows:

- (1) To have full control of the university and its property of various kinds, except as otherwise provided by law.
- (2) To employ the president of the university, his or her assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.
- (3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.80.350(2) (as recodified by this act). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.
- (4) Establish such colleges, schools, or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.
- (5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.
- (6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art, or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.
- (7) Accept such gifts, grants, conveyances, bequests, and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests, and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests, and devises above-mentioned.
- (8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.
- (9) To submit upon request such reports as will be helpful to the governor and to the legislature in providing for the institution.
- (10) Subject to the approval of the higher education coordinating board pursuant to ((~~RCW 28B.80.340~~) section 9 of this act), offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

Sec. 53. RCW 28B.30.150 and 1998 c 245 s 19 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

- (1) Have full control of the university and its property of various kinds, except as otherwise provided by law.
- (2) Employ the president of the university, his or her assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.
- (3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.80.350(2) (as recodified by this act). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.
- (4) Establish such colleges, schools, or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.
- (5) Subject to the approval of the higher education coordinating board pursuant to ((~~RCW 28B.80.340~~) section 9 of this act), offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(6) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.

(7) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(8) Provide for holding agricultural institutes including farm marketing forums.

(9) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(10) Provide training in military tactics for those students electing to participate therein.

(11) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing, and land surveying.

(12) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep, and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(13) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(14) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(15) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art, or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(16) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities, or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under rules established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(17) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(18) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(19) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(21) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts, and general development of agriculture under irrigation conditions.

(22) Supervise and control the agricultural experiment station at Puyallup.

(23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management, and general horticultural problems.

(24) Accept such gifts, grants, conveyances, devises, and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools, or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests, and devises; and adopt proper rules to govern

and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests, and devises.

(25) Construct when the board so determines a new foundry and a mining, physical, technological building, and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics, and similar fields.

(26) Make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

Sec. 54. RCW 28B.35.120 and 1985 c 370 s 94 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to ((~~RCW 28B.80.340~~) section 9 of this act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 55. RCW 28B.38.010 and 1998 c 344 s 9 are each amended to read as follows:

(1) The Spokane intercollegiate research and technology institute is created.

(2) The institute shall be operated and administered as a multi-institutional education and research center, housing appropriate programs conducted in Spokane under the authority of institutions of higher education as defined in RCW 28B.10.016. Washington independent and private institutions of higher education may participate as full partners in any academic and research activities of the institute.

(3) The institute shall house education and research programs specifically designed to meet the needs of eastern Washington.

(4) The establishment of any education program at the institute and the lease, purchase, or construction of any site or facility for the institute is subject to the approval of the higher education coordinating board under ((~~RCW 28B.80.340~~) section 9 of this act.

(5) The institute shall be headquartered in Spokane.

(6) The mission of the institute is to perform and commercialize research that benefits the intermediate and long-term economic vitality of eastern Washington and to develop and strengthen university-industry relationships through the conduct of research that is primarily of interest to eastern Washington-based companies or state economic development programs. The institute shall:

(a) Perform and facilitate research supportive of state science and technology objectives, particularly as they relate to eastern Washington industries;

(b) Provide leading edge collaborative research and technology transfer opportunities primarily to eastern Washington industries;

(c) Provide substantial opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions;

(d) Emphasize and develop nonstate support of the institute's research activities; and

(e) Provide a forum for effective interaction between the state's technology-based industries and its academic institutions through promotion of faculty collaboration with industry, particularly within eastern Washington.

Sec. 56. RCW 28B.40.120 and 1985 c 370 s 95 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to ((~~RCW 28B.80.340~~) section 9 of this act, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 57. RCW 28B.50.090 and 2003 c 130 s 6 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding May 17, 1991;

(b) That each college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution. This subsection (3)(b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under RCW 28B.80.345 (as recodified by this act) based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges as certified by the office of financial management; and at the conclusion of such initial month and for

each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(15) The college board shall have the power of eminent domain;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

Sec. 58. RCW 28B.50.140 and 1997 c 281 s 1 are each amended to read as follows:

Each board of trustees:

(1) Shall operate all existing community and technical colleges in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3). However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding September 1, 1991;

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college and, may appoint a president for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges. The state board for community and technical colleges shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand. However, the authority of boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the higher education coordinating board pursuant to (~~RCW 28B.80.340(5)~~) section 9 of this act;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the

proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate. Technical colleges shall offer only nonbaccalaureate technical degrees under the rules of the state board for community and technical colleges that are appropriate to their work force education and training mission. The primary purpose of this degree is to lead the individual directly to employment in a specific occupation. Technical colleges may not offer transfer degrees. The board, upon recommendation of the faculty, may also confer honorary associate of arts degrees upon persons other than graduates of the community college, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property;

(13) Shall enforce the rules and regulations prescribed by the state board for community and technical colleges for the government of community and technical colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community and technical colleges as the board of trustees may in its discretion deem necessary or appropriate to the administration of college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community and technical colleges: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) ~~((Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4),))~~ May participate in higher education centers and consortia that involve any four-year public or independent college or university: PROVIDED, That new degree programs or off-campus programs offered by a four-year public or independent college or university in collaboration with a community or technical college are subject to approval by the higher education coordinating board under section 9 of this act; and

(20) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

Sec. 59. RCW 28B.95.020 and 2001 c 184 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the board from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Board" means the higher education coordinating board as defined in chapter ~~((28B.80))~~ 28B.-- RCW (as created in section 76 of this act).

(4) "Committee on advanced tuition payment" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the executive director of the higher education coordinating board, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(5) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase.

(7) "Eligible beneficiary" means the person for whom the tuition unit will be redeemed for attendance at an institution of higher education. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body. With the exception of tuition unit contracts purchased by qualified organizations as future scholarships, the beneficiary must reside in the state of Washington or otherwise be a resident of the state of Washington at the time the tuition unit contract is accepted by the governing body.

(8) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units for an eligible beneficiary.

(9) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(10) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(11) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(12) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(13) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. The maximum tuition and fees charges recognized for beneficiaries enrolled in a state technical college shall be equal to the tuition and fees for the community college system.

(14) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units.

(15) "Unit purchase price" means the minimum cost to purchase one tuition unit for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate weighted average tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

(16) "Weighted average tuition" shall be calculated as the sum of the undergraduate tuition and services and activities fees for each four-year state institution of higher education, multiplied by the respective full-time equivalent student enrollment at each institution divided by the sum total of undergraduate full-time equivalent student enrollments of all four-year state institutions of higher education, rounded to the nearest whole dollar.

(17) "Weighted average tuition unit" is the value of the weighted average tuition and fees divided by one hundred. The weighted average is the basis upon which tuition benefits may be calculated as the basis for any refunds provided from the program.

Sec. 60. RCW 28B.119.010 and 2003 c 233 s 5 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter

28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 (as recodified by this act) when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

Sec. 61. RCW 28C.04.545 and 1999 c 28 s 1 are each amended to read as follows:

(1) The respective governing boards of the public technical colleges shall provide fee waivers for a maximum of two years for those recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540 who received the award before June 30, 1994. To qualify for the waiver, recipients shall enter the public technical college within three years of receiving the award. An above average rating at the technical college in the first year shall be required to qualify for the second-year waiver.

(2) Students named by the work force training and education coordinating board after June 30, 1994, as recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550 shall be eligible to receive a grant for undergraduate course work as authorized under RCW 28B.80.272 (as recodified by this act).

(3)(a) Beginning with awards made during the 1998-99 academic year, recipients must complete using the award before the fall term in the sixth year following the date of the award. For these recipients, eligibility for the award is forfeited after this period.

(b) All persons awarded a Washington award for vocational excellence before the 1995-96 academic year and who have remaining eligibility on April 19, 1999, must complete using the award before September 2002. For these recipients, eligibility for the award is forfeited after this period.

(c) All persons awarded a Washington award for vocational excellence during the 1995-96, 1996-97, and 1997-98 academic years must complete using the award before September 2005. For these recipients, eligibility for the award is forfeited after this period.

Sec. 62. RCW 43.105.825 and 1999 c 285 s 7 are each amended to read as follows:

(1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.

(2) The board may not interfere in any curriculum or legally offered programming offered over the network.

~~(3) ((The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.~~

~~(4))~~ The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

~~((5))~~ (4) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

Sec. 63. RCW 43.157.010 and 2003 c 54 s 1 are each amended to read as follows:

(1) For purposes of this chapter and RCW 28A.525.166, 28B.80.330 (as recodified by this act), 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and an industrial project of statewide significance is a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces or a private industrial development with private capital investment in manufacturing or research and development. To qualify as an industrial project of statewide significance: (a) The project must be completed after January 1, 1997; (b) the applicant must submit an application for designation as an industrial project of statewide significance to the department of community, trade, and economic development; and (c) the project must have:

(i) In counties with a population of less than or equal to twenty thousand, a capital investment of twenty million dollars;

(ii) In counties with a population of greater than twenty thousand but no more than fifty thousand, a capital investment of fifty million dollars;

(iii) In counties with a population of greater than fifty thousand but no more than one hundred thousand, a capital investment of one hundred million dollars;

(iv) In counties with a population of greater than one hundred thousand but no more than two hundred thousand, a capital investment of two hundred million dollars;

(v) In counties with a population of greater than two hundred thousand but no more than four hundred thousand, a capital investment of four hundred million dollars;

(vi) In counties with a population of greater than four hundred thousand but no more than one million, a capital investment of six hundred million dollars;

(vii) In counties with a population of greater than one million, a capital investment of one billion dollars;

(viii) In counties with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of fifty or greater;

(ix) In counties with one hundred or more persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of one hundred or greater; or

(x) Been designated by the director of community, trade, and economic development as an industrial project of statewide significance either: (A) Because the county in which the project is to be located is a distressed county and the economic circumstances of the county merit the additional assistance such designation will bring; or (B) because the impact on a region due to the size and complexity of the project merits such designation.

(2) The term manufacturing shall have the meaning assigned it in RCW 82.61.010.

(3) The term research and development shall have the meaning assigned it in RCW 82.61.010.

(4) The term applicant means a person applying to the department of community, trade, and economic development for designation of a development project as an industrial project of statewide significance.

Sec. 64. RCW 43.79.465 and 2001 2nd sp.s. c 7 s 917 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.10.868 (as recodified

by this act); (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.10.882 (as recodified by this act); and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, (b) technology improvements in the common schools, and (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions.

Sec. 65. RCW 28B.15.760 and 1985 c 370 s 79 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.15.762 and 28B.15.764.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the higher education coordinating board.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" means a student registered for at least ten credit hours or the equivalent and demonstrates achievement of a 3.00 grade point average for each academic year, who is a resident student as defined by RCW 28B.15.012 through 28B.15.015, who is a "needy student" as defined in RCW 28B.10.802 (as recodified by this act), and who has a declared major in a program leading to a degree in teacher education in a field of science or mathematics, or a certificated teacher who meets the same credit hour and "needy student" requirements and is seeking an additional degree in science or mathematics.

(4) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(5) "Forgiven" or "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(6) "Satisfied" means paid-in-full.

(7) "Borrower" means an eligible student who has received a loan under RCW 28B.15.762.

Sec. 66. RCW 28B.15.820 and 1995 1st sp.s. c 9 s 10 are each amended to read as follows:

(1) Each institution of higher education, including technical colleges, shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; or (c) to provide financial aid to needy students as provided in subsection (10) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least six credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 (~~through (and))~~) and 28B.15.013, and who is a "needy student" as defined in RCW 28B.10.802 (as recodified by this act).

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through (8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the costs of

making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally-administered financial aid programs. First priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to needy single parents, to assist these students with their educational expenses, including expenses associated with child care and transportation.

Sec. 67. RCW 28B.101.020 and 2003 c 233 s 3 are each amended to read as follows:

(1) For the purposes of this chapter, "placebound" means unable to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington as defined in RCW 28B.15.012(2) (a) through (d), who: (a) Are needy students as defined in RCW 28B.10.802(3) (as recodified by this act); and (b) have completed the associate of arts or associate of science degree or the equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to complete a baccalaureate degree at an eligible institution. An eligible placebound applicant is further defined as a person who would be unable to complete a baccalaureate course of study but for receipt of an educational opportunity grant.

Sec. 68. RCW 28B.102.040 and 1987 c 437 s 4 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, and an ability to act as a role model for targeted ethnic minority students. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802 (as recodified by this act).

Sec. 69. RCW 28B.108.010 and 1991 c 228 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" or "student" means an American Indian who is a financially needy student, as defined in RCW 28B.10.802 (as recodified by this act), who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

Sec. 70. RCW 28B.115.050 and 1991 c 332 s 18 are each amended to read as follows:

The board shall establish a planning committee to assist it in developing criteria for the selection of participants. The board shall include on the planning committee representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board (of community college education) for community and technical colleges, the superintendent of public instruction, and other appropriate public and private agencies and organizations.

The criteria may require that some of the participants meet the definition of "needy student" under RCW 28B.10.802 (as recodified by this act).

Sec. 71. RCW 28B.119.030 and 2002 c 204 s 4 are each amended to read as follows:

The Washington promise scholarship program shall not be funded at the expense of the state need grant program as defined in (~~RCW 28B.10.800 through 28B.10.824~~) chapter 28B.-- RCW (as created in section 78 of this act). In administering the state need grant and promise scholarship programs, the higher education coordinating board shall first ensure that eligibility for state need grant recipients is at least fifty-five percent of state median family income.

Sec. 72. RCW 28B.133.010 and 2003 c 19 s 2 are each amended to read as follows:

The educational assistance grant program for students with dependents is hereby created, subject to the availability of receipts of gifts, grants, or endowments from private sources. The program is created to serve financially needy students with dependents eighteen years of age or younger, by assisting them directly through a grant program to pursue a degree or certificate at public or private institutions of higher education, as defined in RCW 28B.10.802 (as recodified by this act), that participate in the state need grant program.

Sec. 73. RCW 28B.133.020 and 2003 c 19 s 3 are each amended to read as follows:

To be eligible for the educational assistance grant program for students with dependents, applicants shall: (1) Be residents of the state of Washington; (2) be needy students as defined in RCW 28B.10.802(3) (as recodified by this act); (3) be eligible to participate in the state need grant program as set forth under RCW 28B.10.810 (as recodified by this act); and (4) have dependents eighteen years of age or younger who are under their care.

Sec. 74. RCW 28B.133.050 and 2003 c 19 s 6 are each amended to read as follows:

The educational assistance grant program for students with dependents grants may be used by eligible participants to attend any public or private college or university in the state of Washington as defined in RCW 28B.10.802 (as recodified by this act). Each participating student may receive an amount to be determined by the higher education coordinating board, with a minimum amount of one thousand dollars per academic year, not to exceed the student's documented financial need for the course of study as determined by the institution.

Educational assistance grants for students with dependents are not intended to supplant any grant scholarship or tax program related to postsecondary education. If the higher education coordinating board finds that the educational assistance grants for students with dependents supplant or reduce any grant, scholarship, or tax program for categories of students, then the higher education coordinating board shall adjust the financial eligibility criteria or the amount of the grant to the level necessary to avoid supplanting.

NEW SECTION. Sec. 75. The following acts or parts of acts are each repealed:

- f. RCW 28B.10.210 (Blind students, assistance to--"Blind student" defined) and 1969 ex.s. c 223 s 28B.10.210;
- g. RCW 28B.10.215 (Blind students, assistance to--Allocation of funds) and 1985 c 370 s 51, 1982 1st ex.s. c 37 s 6, 1974 ex.s. c 68 s 1, & 1969 ex.s. c 223 s 28B.10.215;
- h. RCW 28B.10.220 (Blind students, assistance to--Administration of funds) and 1985 c 370 s 52, 1982 1st ex.s. c 37 s 7, 1974 ex.s. c 68 s 2, & 1969 ex.s. c 223 s 28B.10.220;
- i. RCW 28B.10.824 (State student financial aid program--Commission, executive director, employees--Appointment--Salaries) and 1973 c 62 s 5 & 1969 ex.s. c 222 s 20;
- j. RCW 28B.10.874 (Distinguished professorship trust fund program--Transfer of administration--Recommendations to governor and legislature) and 1987 c 8 s 9;
- k. RCW 28B.10.887 (Graduate fellowship trust fund program--Transfer of administration) and 1998 c 245 s 14 & 1987 c 147 s 8;
- l. RCW 28B.80.255 (Washington award for excellence--Use of academic grant) and 1992 c 83 s 3, 1992 c 50 s 2, & 1991 c 255 s 6;
- m. RCW 28B.80.265 (Washington award for excellence--Rules) and 1992 c 83 s 4 & 1991 c 255 s 7;
- n. RCW 28B.80.290 (Statewide transfer of credit policy and agreement--Requirements) and 1983 c 304 s 2;
- o. RCW 28B.80.320 (Purpose) and 1985 c 370 s 3;
- p. RCW 28B.80.340 (Program responsibilities) and 2003 c 130 s 4 & 1985 c 370 s 5;
- q. RCW 28B.80.440 (Interstate discussions and agreements about standards and programs for teachers, administrators, and educational staff associates) and 1987 c 40 s 1;
- r. RCW 28B.80.442 (Interstate discussions--Support and services of western interstate commission on higher education) and 1987 c 40 s 2;
- s. RCW 28B.80.450 (Placebound students--Study of needs) and 1990 c 288 s 1;
- t. RCW 28B.80.500 (Branch campuses--Adjustment of enrollment lids) and 1989 1st ex.s. c 7 s 2;

- u. RCW 28B.80.520 (Branch campuses--Facilities acquisition) and 1989 1st ex.s. c 7 s 9;
- v. RCW 28B.80.600 (Coordination of telecommunications planning) and 1996 c 137 s 9 & 1990 c 208 s 9;
- w. RCW 28B.80.610 (Higher education institutional responsibilities) and 2003 c 130 s 5 & 1993 c 363 s 2;
- x. RCW 28B.80.612 (Identification of methods to reduce administrative barriers) and 1998 c 245 s 25 & 1993 c 363 s 3;
- y. RCW 28B.80.614 (Study of higher education system operations) and 1993 c 363 s 4;
- z. RCW 28B.80.616 (Reports to legislature and citizens on postsecondary educational system--Reports to board from state board for community and technical colleges and state institutions of higher education--Cooperation with independent colleges and universities) and 1993 c 363 s 5;
- aa. RCW 28B.80.910 (Severability--1969 ex.s. c 277) and 1969 ex.s. c 277 s 15;
- ab. RCW 28B.80.911 (Severability--1985 c 370) and 1985 c 370 s 107;
- ac. RCW 28B.80.912 (Effective dates--1985 c 370) and 1985 c 370 s 108;
- ad. RCW 28A.305.280 (Forum for education issues) and 1994 c 222 s 1; and
- ae. RCW 28A.305.285 (Forum for education issues--Task force) and 1997 c 222 s 3 & 1994 c 222 s 2.

NEW SECTION. **Sec. 76.** Sections 1, 9, 11, and 12 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec. 77.** (1) The following sections are codified or recodified in the order shown in Part I, General Provisions, of the chapter created in section 76 of this act:

- (a) RCW 28B.80.300;
- (b) RCW 28B.80.310;
- (c) Section 1 of this act;
- (d) RCW 28B.80.390;
- (e) RCW 28B.80.400;
- (f) RCW 28B.80.410;
- (g) RCW 28B.80.420;
- (h) RCW 28B.80.110;
- (i) RCW 28B.80.430;
- (j) RCW 28B.80.380;
- (k) RCW 28B.80.200; and
- (l) RCW 28B.80.370.

(2) The following sections are codified or recodified in the order shown in Part II, Policy and Planning, of the chapter created in section 76 of this act:

- (a) RCW 28B.80.345;
- (b) RCW 28B.80.330;
- (c) RCW 28B.80.335;
- (d) Section 9 of this act;
- (e) RCW 28B.80.280;
- (f) Section 11 of this act;
- (g) Section 12 of this act;
- (h) RCW 28B.80.350;
- (i) RCW 28B.10.044;
- (j) RCW 28B.15.070;
- (k) RCW 28B.15.076; and
- (l) RCW 28B.80.175.

(3) The following sections are recodified in the order shown in Part III, Education Services Administration, of the chapter created in section 76 of this act:

- (a) RCW 28B.80.240;
- (b) RCW 28B.80.210;
- (c) RCW 28B.80.230;
- (d) RCW 28B.80.180;
- (e) RCW 28B.80.360;
- (f) RCW 28B.10.859;
- (g) RCW 28B.10.866;
- (h) RCW 28B.10.867;
- (i) RCW 28B.10.868;
- (j) RCW 28B.10.869;
- (k) RCW 28B.10.870;
- (l) RCW 28B.10.871;

- (m) RCW 28B.10.872;
- (n) RCW 28B.10.873;
- (o) RCW 28B.10.880;
- (p) RCW 28B.10.881;
- (q) RCW 28B.10.882;
- (r) RCW 28B.10.883;
- (s) RCW 28B.10.884;
- (t) RCW 28B.10.885;
- (u) RCW 28B.10.886;
- (v) RCW 28B.80.150;
- (w) RCW 28B.80.160;
- (x) RCW 28B.80.170;
- (y) RCW 28B.80.245;
- (z) RCW 28B.80.246;
- (aa) RCW 28B.80.272;
- (bb) RCW 28B.80.805;
- (cc) RCW 28B.80.806;
- (dd) RCW 28B.80.807;
- (ee) RCW 28B.80.620;
- (ff) RCW 28B.80.622;
- (gg) RCW 28B.80.624;
- (hh) RCW 28B.80.626; and
- (ii) RCW 28B.80.810.

NEW SECTION. **Sec. 78.** The following sections are recodified in a new chapter in Title 28B RCW:

- (1) RCW 28B.10.800;
- (2) RCW 28B.10.801;
- (3) RCW 28B.10.802;
- (4) RCW 28B.10.804;
- (5) RCW 28B.10.806;
- (6) RCW 28B.10.808;
- (7) RCW 28B.10.8081;
- (8) RCW 28B.10.810;
- (9) RCW 28B.10.812;
- (10) RCW 28B.10.814;
- (11) RCW 28B.10.816;
- (12) RCW 28B.10.818;
- (13) RCW 28B.10.820;
- (14) RCW 28B.10.821; and
- (15) RCW 28B.10.822.

NEW SECTION. **Sec. 79.** RCW 28B.80.510 is recodified as a new section in chapter 28B.45 RCW.

NEW SECTION. **Sec. 80.** Part headings used in this act are not part of the law.

NEW SECTION. **Sec. 81.** Sections 26 and 27 of this act expire January 30, 2005."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.80.380, 28B.80.400, 28B.80.430, 28B.80.200, 28B.80.345, 28B.80.330, 28B.80.335, 28B.80.280, 28B.80.350, 28B.10.044, 28B.15.070, 28B.15.076, 28B.80.175, 28B.80.360, 28B.10.859, 28B.10.868, 28B.10.873, 28B.10.882, 28B.80.160, 28B.80.245, 28B.80.246, 28B.80.620, 28B.80.626, 28B.04.020, 28B.04.030, 28B.04.080, 28B.04.085, 28B.10.800, 28B.10.802, 28B.10.804, 28B.10.808, 28B.10.8081, 28B.10.810, 28B.10.816, 28B.10.818, 28B.10.820, 28B.10.822, 28B.10.790, 28B.10.650, 28A.600.110, 28B.10.020, 28B.10.050, 28B.15.543, 28B.15.545, 28B.15.910, 28B.20.130, 28B.30.150, 28B.35.120, 28B.38.010, 28B.40.120, 28B.50.090, 28B.50.140, 28B.95.020, 28B.119.010, 28C.04.545, 43.105.825, 43.157.010, 43.79.465, 28B.15.760, 28B.15.820, 28B.101.020, 28B.102.040, 28B.108.010, 28B.115.050, 28B.119.030, 28B.133.010, 28B.133.020, and 28B.133.050; adding a new section to chapter 28B.45 RCW; adding new chapters to Title 28B RCW; creating new sections; recodifying RCW 28B.80.300, 28B.80.310, 28B.80.390, 28B.80.400, 28B.80.410, 28B.80.420, 28B.80.110, 28B.80.430, 28B.80.380, 28B.80.200, 28B.80.370, 28B.80.345, 28B.80.330, 28B.80.335, 28B.80.280, 28B.80.350, 28B.10.044, 28B.15.070, 28B.15.076, 28B.80.175, 28B.80.240, 28B.80.210, 28B.80.230, 28B.80.180, 28B.80.360, 28B.10.859, 28B.10.866, 28B.10.867, 28B.10.868, 28B.10.869, 28B.10.870, 28B.10.871, 28B.10.872, 28B.10.873,

28B.10.880, 28B.10.881, 28B.10.882, 28B.10.883, 28B.10.884, 28B.10.885, 28B.10.886, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.245, 28B.80.246, 28B.80.272, 28B.80.805, 28B.80.806, 28B.80.807, 28B.80.620, 28B.80.622, 28B.80.624, 28B.80.626, 28B.80.810, 28B.10.800, 28B.10.801, 28B.10.802, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.8081, 28B.10.810, 28B.10.812, 28B.10.814, 28B.10.816, 28B.10.818, 28B.10.820, 28B.10.821, 28B.10.822, and 28B.80.510; repealing RCW 28B.10.210, 28B.10.215, 28B.10.220, 28B.10.824, 28B.10.874, 28B.10.887, 28B.80.255, 28B.80.265, 28B.80.290, 28B.80.320, 28B.80.340, 28B.80.440, 28B.80.442, 28B.80.450, 28B.80.500, 28B.80.520, 28B.80.600, 28B.80.610, 28B.80.612, 28B.80.614, 28B.80.616, 28B.80.910, 28B.80.911, 28B.80.912, 28A.305.280, and 28A.305.285; providing an effective date; and providing an expiration date."

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 3103, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 3, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2934 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A new section is added to chapter 64.38 RCW to read as follows:

(1) The governing documents may not prohibit the outdoor display of the flag of the United States by an owner or resident on the owner's or resident's property if the flag is displayed in a manner consistent with federal flag display law, 4 U.S.C. Sec. 1 et seq. The governing documents may include reasonable rules and regulations, consistent with 4 U.S.C. Sec. 1 et seq., regarding the placement and manner of display of the flag of the United States.

(2) The governing documents may not prohibit the installation of a flagpole for the display of the flag of the United States. The governing documents may include reasonable rules and regulations regarding the location and the size of the flagpole.

(3) For purposes of this section, "flag of the United States" means the flag of the United States as defined in federal flag display law, 4 U.S.C. Sec. 1 et seq., that is made of fabric, cloth, or paper and that is displayed from a staff or flagpole or in a window. For purposes of this section, "flag of the United States" does not mean a flag depiction or emblem made of lights, paint, roofing, siding, paving materials, flora, or balloons, or of any similar building, landscaping, or decorative component.

(4) The provisions of this section shall be construed to apply retroactively to any governing documents in effect on the effective date of this section. Any provision in a governing document in effect on the effective date of this section that is inconsistent with this section shall be void and unenforceable.

NEW SECTION. **Sec. 2.** A new section is added to chapter 64.38 RCW to read as follows:

The governing documents may not prohibit the outdoor display of political signs promoting individual candidates for public office, during a period of ninety days prior to a general election. The governing documents may include reasonable rules and regulations regarding the location and size of political campaign signs.

NEW SECTION. **Sec. 3.** The provisions of section 2 of this act take effect July 31, 2004."

On page 1, line 3 of the title, after "properties;" strike the remainder of the title and insert "adding new sections to chapter 64.38 RCW; and providing an effective date."

Milt H. Doumit, Secretary

POINT OF ORDER

Representative Lantz requested a scope and object ruling on the Senate amendment to House Bill No. 2935.

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "House Bill No. 2935 is entitled an act relating to "ensuring that members of homeowners' associations may display the flag of the United States on their properties." The bill as passed by the House provides that a homeowners' association may not prohibit residents from displaying the flag of the United States or installing a flagpole for the display of the flag of the United States but may adopt reasonable rules and regulations for the display of the flag and the size and location of the flagpole.

The Senate amendment provides similar protections for display of political yard signs.

The House bill is narrowly drawn to provide protections solely for the display of the flag of the United States. The amendment providing protections for the display of campaign signs is clearly beyond the scope and object of the bill.

Representative Lantz, your point of order is well taken."

There being no objection, the House refused to concur in the Senate amendment to HOUSE BILL NO. 2934, and asked the Senate to recede therefrom.

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

INTRODUCTION & FIRST READING

HB 3212 by Representatives Hunt, McDermott, Conway, Veloria, Cooper, Hudgins, Darneille, Romero and Dickerson

AN ACT Relating to creating an open primary with voluntary party registration; amending RCW 29A.04.007, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.020, 29A.44.200, 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, and 42.17.020; reenacting and amending RCW 42.17.310 and 42.17.310; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding a new chapter to Title 29A RCW; creating new sections; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on State Government.

HB 3213 by Representative Hunt

AN ACT Relating to an open primary; amending RCW 29A.04.007, 29A.04.085, 29A.04.215, 29A.04.310, 29A.04.320, 29A.12.100, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.200, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, 29A.80.060, 29A.04.610, and 42.17.020; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.04.903; and declaring an emergency.

Referred to Committee on State Government.

ESSB 6233 by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt and Fairley; by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.99E.025, 70.146.030, and 43.82.010; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 159, 169, 234, 313, 312, 317, 340, 367, 369, 354, 394, 397, 406, 501, 743, 678, 738, 130, 135, 267, 273, 304, 310, 315, 356, 379, 389, 390, 412, 426, 601, 603, 606, 615, 633, 659, 702, 786, 798, 801, 695, 784, 787, 795, 628, 905, 907, and 915 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; creating a new section; and declaring an emergency.

Held on 1st Reading.

ESB 6453 by Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

AN ACT Relating to a qualifying primary; amending RCW 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200, 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.84.260, 29A.84.310, 29A.84.710, and 42.17.020; reenacting and amending RCW 29A.32.120; adding new sections to chapter 29A.52 RCW; adding new sections to chapter 29A.04 RCW; adding new sections to chapter 29A.28 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; adding new sections to chapter 29A.20 RCW; adding new sections to chapter 29A.24 RCW; adding new sections to chapter 29A.32 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding new sections to chapter 29A.80 RCW; adding new sections to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding new sections to chapter 29A.84 RCW; creating new sections; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130, 29A.04.903, 29A.04.007, 29A.04.085, 29A.04.127, 29A.04.215, 29A.04.310, 29A.04.320, 29A.04.610, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.130, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.120, 29A.32.240, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.140, 29A.36.150, 29A.36.160, 29A.36.170, 29A.36.200, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.010, 29A.52.110, 29A.52.120, 29A.52.230, 29A.52.310, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.80.040, 29A.80.050, 29A.80.060, 29A.84.260, 29A.84.310, and 29A.84.710; prescribing penalties; providing a contingent effective date; and declaring an emergency.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SENATE BILL NO. 6453 which was read the first time and was placed on the second reading calendar.

MESSAGES FROM THE SENATE

March 8, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6146,
SENATE BILL NO. 6237,
SENATE BILL NO. 6357,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 5, 2004

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5376,
SENATE BILL NO. 6141,
SENATE BILL NO. 6337,
SUBSTITUTE SENATE BILL NO. 6367,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 8, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6115,
SENATE BILL NO. 6372,
SENATE BILL NO. 6439,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 8, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5861,
SENATE BILL NO. 6164,
SUBSTITUTE SENATE BILL NO. 6466,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

SECOND READING

**HOUSE BILL NO. 2573, By Representatives Dunshee, Alexander, Hunt and Linville;
by request of Governor Locke**

Adopting a supplemental capital budget.

The bill was read the second time. There being no objection, Substitute House Bill No. 2573 was substituted for House Bill No. 2573 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2573 was read the second time.

Representative Dunshee moved the adoption of amendment (1115):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted making changes to existing appropriations and making new appropriations which, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital purposes for the biennium ending June 30, 2005, out of the several funds specified in this act.

**PART 1
ADJUSTMENTS/CORRECTIONS TO 2003-2005 CAPITAL BUDGET**

Sec. 101. 2003 1st sp.s. c 26 s 101 (uncodified) is amended to read as follows:
FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE
Capital Budget Studies (04-1-950)

(1) The ~~((appropriations))~~ appropriation in this section ~~((are))~~ is provided solely for capital studies, projects, and tasks pursuant to sections 923 and 924 of this act.

(2) The reappropriation in this section is from 2001 2nd sp.s. c 8 s 149 for the office of financial management.

Reappropriation:

State Building Construction Account--State \$164,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$664,000

Sec. 102. 2003 1st sp.s. c 26 s 104 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000

~~((Rural Washington Loan Account--Federal \$4,739,295~~

~~Subtotal Reappropriation \$5,297,295))~~

Appropriation:

Rural Washington Loan Account--State \$4,542,969

Prior Biennia (Expenditures) ~~((2,353,072))~~

\$2,549,398

Future Biennia (Projected Costs) \$0

TOTAL \$7,650,367

Sec. 103. 2003 1st sp.s. c 26 s 105 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Rural Washington Loan Fund (RWLF) (04-4-009)

Appropriation:

General Fund--Federal \$1,900,000

Rural Washington Loan Account--~~((Federal))~~ State \$1,581,000

Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,132,000

TOTAL \$27,613,000

Sec. 104. 2003 1st sp.s. c 26 s 107 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Building for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Artspace (Tashiro Kaplan)	Seattle	\$300,000
Broadway center	Tacoma	\$400,000
Children's museum	Everett	\$200,000
Columbia city gallery	Seattle	\$110,000
Cornish College	Seattle	\$700,000
Friends of Gladish	Pullman	\$37,000
Historic cooper school	Seattle	\$32,000
Lincoln theatre	Mt. Vernon	\$110,000
Olympic theatre arts	Sequim	\$265,000
Orcas sculpture park	Eastsound	\$15,000
Pacific Northwest ballet	Bellevue	\$268,000
Pratt fine arts center	Seattle	\$700,000
Richland players theatre	Richland	\$51,000
S' Klallam longhouse	Kingston	\$200,000
Seattle art museum	Seattle	\$700,000
Squaxin Island museum	Shelton	\$100,000
Vashon allied arts	Vashon	\$80,000
Velocity dance center	Seattle	\$35,000
Western Washington center for the arts	Port Orchard	\$165,000
((World kite museum	Long Beach	\$32,000))
TOTAL		(((\$4,500,000)) <u>\$4,468,000</u>

Appropriation:
State Building Construction Account--State ~~(((\$4,500,000))~~

\$4,468,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,000,000
TOTAL (~~(\$20,500,000)~~)

\$20,468,000

Sec. 105. 2003 1st sp.s. c 26 s 110 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: ~~((The)) A~~ maximum of twenty-five percent of the appropriation in this section ((is provided solely for loans to local governments)) may be used for grants.

Appropriation:

Public Facility Construction Loan Revolving Account--State \$11,491,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$36,718,769
TOTAL \$48,209,769

NEW SECTION. **Sec. 106.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water Assistance Program (00-2-007)

The reappropriation in this section is subject to the following conditions and limitations: Funding from the state public works trust fund shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

Reappropriation:

Drinking Water Assistance Account--State \$3,983,356

Prior Biennia (Expenditures) \$3,716,644
Future Biennia (Projected Costs) \$0
TOTAL \$7,700,000

Sec. 107. 2003 1st sp.s. c 26 s 161 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
GENERAL ADMINISTRATION
Heritage Park (01-H-004)

Reappropriation:

Capitol Building Construction Account--State \$976,000

Prior Biennia (Expenditures) \$14,559,774
Future Biennia (Projected Costs) (~~(\$0)~~)

TOTAL (~~(\$16,035,774)~~)

\$1,600,000

\$17,135,774

Sec. 108. 2003 1st sp.s. c 26 s 159 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Transportation Building Preservation (~~((98-1-008)))~~ (02-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State \$1,001,000

Prior Biennia (Expenditures) \$1,964,065
Future Biennia (Projected Costs) \$19,090,000
TOTAL \$22,055,065

Sec. 109. 2003 1st sp.s. c 26 s 173 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Security (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall not purchase metal detectors for the legislative building.

Appropriation:

Thurston County Capital Facilities Account--State (~~(\$1,179,000)~~) \$879,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$1,179,000)~~)

\$879,000

Sec. 110. 2003 1st sp.s. c 26 s 169 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$140,000
State Building Construction Account--State \$6,009,000
Thurston County Capital Facilities Account--State (~~(\$3,437,000)~~)

\$974,000

General Fund--State (FY 2005) \$950,000
Community and Technical College Capital Projects Account--State \$1,513,000
Subtotal Appropriation \$9,586,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$9,586,000

NEW SECTION. **Sec. 111.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
SOCIAL AND HEALTH SERVICES
Eastern State Hospital: Legal Offender Unit (98-2-002)

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$15,330,537

Future Biennia (Projected Costs) \$0
TOTAL \$15,580,537

Sec. 112. 2003 1st sp.s. c 26 s 250 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature to explore the concept of an anaerobic digester, also known as a BioGas facility, to treat dairy waste in Snohomish county, with the Monroe honor farm being one possible site for such a project.

(2) ~~((The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site prior to December 1, 2004.))~~ The legislature finds that it is in the public interest to encourage development of a BioGas facility at the Monroe honor farm to convert dairy waste, fish processing waste, and other waste products into energy. Such a facility will: Help improve water quality in area streams; help restore salmon habitat; create jobs; generate green energy; improve the economic sustainability of area dairy farms; help stem sprawl; serve as a demonstration project for environmental education; reduce on-going costs associated with maintaining state ownership of this facility; encourage greater cooperation between area tribes and agricultural interests; and be a model for other such efforts in the state.

(3) In consideration of the multiple public benefits set forth in this section and notwithstanding any other provision of law, within one hundred twenty days of the requirements of subsection (4) of this section being completed, the secretary of corrections shall transfer the Monroe honor farm to a federally recognized tribe within Snohomish county for construction and operation of a BioGas facility, related agricultural-based businesses, and activities designed to promote salmon restoration and sustainability of area dairy farms. The secretary of corrections shall work with the federally recognized tribe to draft appropriate deed restrictions or conservation easements for the property to ensure that the property is used for the legislative purposes set forth in this section.

(4) The department of corrections shall transfer the property only if the federally recognized tribe has completed a feasibility study for a BioGas facility at the site and only if the tribe has concluded that development of such a facility is feasible. Further, if the property is not used for one or more of the purposes set forth in this section within two years from the date of transfer or if at any time the property is used for activities inconsistent with the legislative purposes set forth in this section, then the ownership of the property shall automatically revert to the state of Washington.

(5) The legislature finds that the value of the public benefits set forth in this section exceeds the fair market value of Monroe honor farm. Accordingly, the secretary of corrections shall transfer the property to a federally recognized tribe within Snohomish county at no cost beyond the consideration set forth in this section. Nothing in this section shall be deemed to affect or modify liability or responsibility for any existing environmental contamination related to the Monroe honor farm.

Reappropriation:

General Fund--Federal \$10,964,679
State Building Construction Account--State \$8,575,906
Subtotal Reappropriation \$19,540,585

Appropriation:

State Building Construction Account--State \$18,674,031

Prior Biennia (Expenditures) \$1,223,416
Future Biennia (Projected Costs) \$0
TOTAL \$39,438,032

Sec. 113. 2003 1st sp.s. c 26 s 234 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

HEALTH

Drinking Water Assistance Program (04-4-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal ((\$28,122,000))	<u>\$46,222,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$28,122,000))	<u>\$46,222,000</u>

Sec. 114. 2003 1st sp.s. c 26 s 313 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
ECOLOGY

Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.
- (2) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$2,000,000 of the state building construction account--state appropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.
- (4) ~~((~~\$1,500,000~~ of the state building construction state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in stream and out of stream purposes.~~
- ~~((~~5~~))~~ \$4,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.
- ~~((~~6~~))~~ (5) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.
- (6) \$1,100,000 of the state building construction account--state appropriation is provided solely for the comprehensive irrigation district management program.
- (7) \$150,000 of the water quality account--state appropriation is to contract with a regional salmon enhancement organization for planning activities related to improving water quality in the Hood Canal, particularly research, preservation, and restoration of molluscan ecosystem including bivalves and other important filtering organisms in Hood Canal.
- (8) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.
- ~~((~~8~~))~~ (9) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State ((\$30,452,000))	<u>\$28,952,000</u>
Water Quality Account--State \$15,948,000	
Subtotal Appropriation ((\$46,400,000))	<u>\$44,900,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$246,400,000))	<u>\$244,900,000</u>

Sec. 115. 2003 1st sp.s. c 26 s 312 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007) and (86-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

(2) The reappropriation for project number 86-2-007 is \$793,214 for the public works assistance account and \$4,600,505 for the water quality account. The remainder, \$13,702,946 for the water quality account, is for project number 02-4-007.

Reappropriation:

Public Works Assistance Account--State \$793,214	
Water Quality Account--State ((\$20,210,510))	
	<u>\$18,303,451</u>
Subtotal Reappropriation \$19,096,665	
Prior Biennia (Expenditures) ((\$115,983,563))	
	<u>\$117,890,622</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$136,194,073))	
	<u>\$136,987,287</u>

Sec. 116. 2003 1st sp.s. c 26 s 317 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal ((\$1,472,894))	
	<u>\$1,374,553</u>
State Building Construction Account--State ((\$693,353))	
	<u>\$651,208</u>
Subtotal Reappropriation ((\$2,166,244))	
	<u>\$2,025,761</u>

Appropriation:

General Fund--Federal ((\$2,417,196))	
	<u>\$2,562,128</u>
State Building Construction Account--State \$568,804	
Subtotal Appropriation ((\$2,986,000))	
	<u>\$3,130,932</u>
Prior Biennia (Expenditures) ((\$527,756))	
	<u>\$668,239</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$5,680,000))	
	<u>\$5,824,932</u>

Sec. 117. 2003 1st sp.s. c 26 s 309 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Water Rights Purchase/Lease (04-1-005)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(2) The appropriation in this section is subject to the policies and requirements of chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004.

Appropriation:

General Fund--Federal \$1,500,000	
State Drought Preparedness--State \$1,500,000	
Subtotal Appropriation \$3,000,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$3,000,000	

NEW SECTION. Sec. 118. If chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004, is not enacted by April 15, 2004, section 117 of this act is null and void.

Sec. 119. 2003 1st sp.s. c 26 s 340 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
STATE PARKS AND RECREATION COMMISSION
Iron Horse Trail (04-2-016)

~~((The appropriation in this section is subject to the following conditions and limitations:
(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.
(2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross state trails. This study must be submitted to the office of financial management by June 30, 2004.))~~

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the commission's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

~~((State Building Construction Account--State))~~
Parks Renewal and Stewardship Account--State \$262,500

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$262,500

Sec. 120. 2003 1st sp.s. c 26 s 367 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations:
(1) The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.
(2) \$974,000 of this 2004 amendment is for a fund balance adjustment.

Reappropriation:

General Fund--Federal \$35,263,219	
Salmon Recovery Account--State ((\$11,076,017))	\$8,457,819
Subtotal Reappropriation ((\$46,339,236))	<u>\$43,721,038</u>
Prior Biennia (Expenditures) ((\$53,566,576))	<u>\$55,210,774</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$101,569,389))	<u>\$98,931,812</u>

Sec. 121. 2003 1st sp.s. c 26 s 369 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery Fund Board Programs (SRFB) (04-4-001)

The appropriations in this section are subject to the following conditions and limitations:
~~((1) \$23,187,500 of the appropriation is provided for grants for restoration projects.
(2) The remainder of))~~ The appropriation is provided solely for grants for other salmon recovery efforts. These grants shall include a grant to any regional recovery board established in the Revised Code of Washington and the management board created in chapter . . . (Substitute Senate Bill No. 6682), Laws of 2004, and may include grants for additional restoration projects.

~~((3) By December 1, 2003, the salmon recovery funding board shall provide a report to the house of representatives capital budget committee and the senate ways and means committee that enumerates board expenditures for salmon recovery projects and activities. The report shall include a list of each project that has been approved for funding by the board, and each project that was submitted on a lead entity habitat project schedule and not funded by the board. Each list shall include the project, project description, project sponsor, status of the project including expenditures to date and completion date, and matching funds that were available for the project. The report shall also include a list and description of all other activities funded by the board including consulting contracts, lead entity and regional recovery board contracts, a description of each of these activities, and the timeline for their completion.))~~

Appropriation:

General Fund--Federal \$34,375,000
State Building Construction Account--State \$12,000,000
Subtotal Appropriation \$46,375,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$46,375,000

Sec. 122. 2003 1st sp.s. c 26 s 354 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington Wildlife and Recreation Program (WWRP) (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-45, as developed on June 4, 2003, and LEAP capital document No. 2004-17, as developed on February 25, 2004. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(2) It is the intent of the legislature that any moneys remaining unexpended shall be reappropriated in the 2005-07 biennium, but no reappropriations shall be made in subsequent biennia.

(3) The department of natural resources shall manage lands acquired through project No. 02-1090, "Bone river and Niawiakum river natural area preserves," as natural resources conservation areas under chapter 79.71 RCW.

Appropriation:

Outdoor Recreation Account--State \$22,500,000
Habitat Conservation Account--State \$22,500,000
Subtotal Appropriation \$45,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$120,000,000
TOTAL \$165,000,000

Sec. 123. 2003 1st sp.s. c 26 s 394 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
FISH AND WILDLIFE

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State ~~(\$970,000)~~ \$1,285,000

Prior Biennia (Expenditures) ~~(\$2,070,000)~~ \$1,755,000

Future Biennia (Projected Costs) \$0
TOTAL \$3,040,000

Sec. 124. 2003 1st sp.s. c 26 s 406 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
NATURAL RESOURCES
Minor Works (02-2-001) and (00-2-011)

Reappropriation:

Forest Development Account--State \$256,230
Resources Management Cost Account--State \$482,466
State Building Construction Account--State \$455,575
Agricultural College Trust Management Account--State \$68,950
Subtotal Reappropriation \$1,263,221

Prior Biennia (Expenditures) \$6,006,779
Future Biennia (Projected Costs) \$0
TOTAL \$7,270,000

Sec. 125. 2003 1st sp.s. c 26 s 408 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works--Facility Preservation (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Forest Development Account--State \$224,900
Resources Management Cost Account--State \$389,700
State Building Construction Account--State \$150,000
Agricultural College Trust Management Account--State \$49,200
Subtotal Appropriation \$813,800

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$813,800

Sec. 126. 2003 1st sp.s. c 26 s 501 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL
WASHINGTON STATE PATROL
Seattle Toxicology Lab (~~((00-2-009))~~) (00-2-008)

Appropriation:

State Building Construction Account--State \$800,000

Prior Biennia (Expenditures) \$12,059,864
Future Biennia (Projected Costs) \$1,655,000
TOTAL \$14,514,864

Sec. 127. 2003 1st sp.s. c 26 s 604 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
STATE BOARD OF EDUCATION
Resource Efficiency Pilot Project (04-4-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,350,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K-12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards, including costs associated with pilot project planning, oversight, and management.

(2) Up to \$150,000 of this appropriation shall be used to:

- (a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;
- (b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;
- (c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;
- (d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.

The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,500,000

Sec. 128. 2003 1st sp.s. c 26 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND
STATE SCHOOL FOR THE BLIND

Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,700,000 may be used for a predesign and design of a replacement for the Kennedy facility. Before design funds may be released, the office of financial management, after consultation with the legislature, must agree with the findings of the predesign.

Appropriation:

State Building Construction Account--State \$2,279,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,279,000

Sec. 129. 2003 1st sp.s. c 26 s 743 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:

~~((Education Construction Account--State))~~
 State Building Construction Account--State \$1,092,690

Appropriation:

State Building Construction Account--State \$17,350,248

Prior Biennia (Expenditures) \$812,310
 Future Biennia (Projected Costs) \$0
 TOTAL \$19,255,248

NEW SECTION. **Sec. 130.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
STATE PARKS AND RECREATION COMMISSION

Leadbetter Acquisition/Restoration (05-1-850)

Reappropriation:

General Fund--Federal \$107,933

Prior Biennia (Expenditures) \$886,067
 Future Biennia (Projected Costs) \$0
 TOTAL \$994,000

Sec. 131. 2003 1st sp.s. c 26 s 380 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION
STATE CONSERVATION COMMISSION
Dairy Nutrient Management Grants Program (02-4-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations may be used for all animal waste management programs.

Reappropriation:
Water Quality Account--State \$350,000
Appropriation:
Water Quality Account--State \$1,600,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,950,000

Sec. 132. 2003 1st sp.s. c 26 s 738 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Highline Community College: Higher Ed Center/Childcare (00-2-678)

Reappropriation:
State Building Construction Account--State \$985,949
Appropriation:
Gardner-Evans Higher Education Construction Account--State (~~(\$14,654,000)~~) \$11,692,000
Community and Technical College Capital Projects Account--State (~~(\$3,898,000)~~) \$6,860,000
Subtotal Appropriation \$18,552,000
Prior Biennia (Expenditures) \$1,359,051
Future Biennia (Projected Costs) \$0
TOTAL \$20,897,000

Sec. 133. 2003 1st sp.s. c 26 s 805 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (Minor Improvements) (04-2-130)

The appropriation in this section is subject to the following conditions and limitations:
(1) The state board for community and technical colleges shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.
(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:
Community and Technical College Capital Projects Account--State (~~(\$14,979,217)~~) \$13,466,217
State Building Construction Account--State \$1,513,000
Subtotal Appropriation \$14,979,217
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$40,000,000
TOTAL \$54,979,217

Sec. 134. 2003 1st sp.s. c 26 s 782 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation and appropriation in this section ((~~is~~)) are subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of 2002.

(2) With the following exception, the legislature does not intend to reappropriate amounts not expended by June 30, 2005: CWU/Wenatchee higher education center, also known as Van Tassel center addition or the Wenatchee Valley College portable replacement project, (04-1-201).

Reappropriation:

State Building Construction Account--State \$865,437
Education Construction Account--State \$10,209,178
Subtotal Reappropriation \$11,074,615

Prior Biennia (Expenditures) \$15,525,560

Future Biennia (Projected Costs) \$0

TOTAL \$26,600,175

Sec. 135. 2003 1st sp.s. c 26 s 816 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for information technology space. As presented to the legislature, the space for this program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,976,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,976,200

Sec. 136. 2003 1st sp.s. c 26 s 821 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for an extensive renovation of an instructional building and its systems.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,988,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,988,000

PART 2

CAPITAL PROJECTS/PROGRAMS/ENHANCEMENTS

Sec. 201. 2003 1st sp.s. c 26 s 130 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State ((\$8,500,000))	<u>\$12,700,000</u>
State Building Construction Account--State \$4,000,000	
Subtotal Appropriation ((\$12,500,000))	<u>\$16,700,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$32,400,000	
TOTAL ((\$44,900,000))	<u>\$49,100,000</u>

Sec. 202. 2003 1st sp.s. c 26 s 134 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC
DEVELOPMENT Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

(7) Up to \$1,000,000 of the appropriation is provided solely to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families

after the pool is approved by the state risk manager. The department shall develop a plan to create this self-insurance risk pool for submission to the office of the risk manager no later than December 1, 2004. The department shall establish an advisory committee of interested stakeholders to assist the department in developing the plan required under this subsection. The plan shall provide that the self-insurance risk pool shall repay to the state the appropriation under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager.

Appropriation:

State Taxable Building Construction Account--State ((\$80,000,000))	<u>\$81,000,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$280,000,000))	<u>\$281,000,000</u>

NEW SECTION. Sec. 203. If chapter . . . (Second Substitute House Bill No. 1840), Laws of 2004 is not enacted by April 15, 2004, section 202 of this act is null and void.

Sec. 204. 2003 1st sp.s. c 26 s 151 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.

(2) The appropriation is provided for the following list of projects:

Local Community Project List	Location	Amount
Art Crate field	Bethel	\$500,000
Asia Pacific cultural center	Tacoma	\$100,000
Asotin aquatic center	Clarkston	\$500,000
Auburn YMCA	Auburn	\$250,000
<u>Boys and girls clubs of Snohomish county</u>	<u>Lake Stevens</u>	<u>\$350,000</u>
Burke museum	Seattle	\$500,000
Capital arts theater and sculpture garden	Olympia	\$250,000
Capitol theater	Yakima	\$500,000
Chinese reconciliation project	Tacoma	\$300,000
Clark lake park	Kent	\$400,000
Colman school	Seattle	\$300,000
Crossroads community center	Bellevue	\$500,000
Eastside heritage center	Bellevue	\$200,000

Eatonville city projects	Eatonville	\$150,000
Edgewood sewer	Edgewood	\$100,000
Edmonds center for the arts	Edmonds	\$500,000
<u>El Centro de la Raza</u>	<u>Seattle</u>	<u>\$117,000</u>
Farmers market and maritime park	Bellingham	\$500,000
Firstenburg community center	Vancouver	\$500,000
Former capitol historical marker	Olympia	\$2,000
Friends of the falls/Great Gorge park	Spokane	\$250,000
Frontier park	Pierce county	\$165,000
GAR cemetery	Seattle	\$5,000
Graham fire district emergency services center	Graham	\$150,000
Grandmother's hill	Tukwila	\$300,000
Highline historical society	Highline	\$300,000
Historical cabins project	Federal Way	\$106,000
Hugs foundation	Raymond	\$21,500
<u>Northwest kidney centers</u>	<u>Bellevue</u>	<u>\$300,000</u>
Museum of flight - WWI and WWII	Seattle	\$500,000
Naval museum	Bremerton	\$500,000
New Phoebe house	Tacoma	\$25,000
Northwest orthopaedic institute	Tacoma	\$200,000
Paramount theater	Seattle	\$250,000
Rainier historical museum/Community center	Rainier	\$20,000
Ritzville public development authority	Ritzville	\$50,000
Seahurst ELC	Burien	\$100,000
South Hill community park	Pierce county	\$250,000

South Wenatchee family services center	Wenatchee	\$400,000
Stonerose interpretive center	Republic	\$8,000
Sweetwater creek restoration	Hood Canal	\$500,000
Tacoma seawall	Tacoma	\$250,000
Thyme patch park	Seattle	\$5,000
ToscoSports complex	Ferndale	\$500,000
Ustalady beach acquisition	Island county	\$135,000
Veterans memorial museum	Chehalis	\$255,000
West Hylebos state park	Federal Way	\$250,000
White Center apprenticeship	White Center	\$250,000
Woodway wildlife reserve	Woodway	\$300,000
Youth development center	Federal Way	\$100,000

((~~\$12,197,500~~))
\$12,964,500

TOTAL

Appropriation:

State Building Construction Account--State ((~~\$12,197,500~~))

\$12,964,500

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$12,197,500~~))

\$12,964,500

NEW SECTION. Sec. 205. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Port of Walla Walla Land Acquisition (2004-4-961)

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 206. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT OFFICE OF FINANCIAL MANAGEMENT Capital Budget and Facilities Management Enhancement (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to implement the recommendations of the higher education facilities preservation study and other related budget and financial management system improvements. These improvements should also be applicable to nonhigher education institutions.

Appropriation:

Education Construction Account--State \$150,000
Charitable, Educational, Reformatory, and Penal
Institutions Account--State \$15,000
Subtotal Appropriation \$165,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$165,000

Sec. 207. 2003 1st sp.s. c 26 s 162 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION GENERAL
ADMINISTRATION Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction Account--State \$68,450,000
State Building Construction Account--State \$6,000,000
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State (~~(\$2,300,000)~~)

\$5,113,000

Prior Biennia (Expenditures) \$26,031,000
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$102,781,000)~~)

\$105,594,000

NEW SECTION. **Sec. 208.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
CORRECTIONS

Community Treatment Program: Capital Repairs (05-2-801)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided solely for improvements to a facility or facilities to be used in conjunction with a residential chemical dependency treatment program or for new construction of a facility for residential chemical treatment located at Coyote Ridge corrections center.

(2) Prior to allotment for construction, the department shall submit a project planning document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the residential chemical dependency treatment program.

Appropriation:

State Building Construction Account--State \$6,200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,200,000

Sec. 209. 2003 1st sp.s. c 26 s 267 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS
Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:
 State Building Construction Account--State (~~(\$4,000,000)~~) \$3,750,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL (~~(\$4,000,000)~~) 3,750,000

NEW SECTION. Sec. 210. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS
 Washington Corrections Center for Women: Sewer Connection Fee (05-2-002)

Appropriation:
 State Building Construction Account--State \$140,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$140,000

NEW SECTION. Sec. 211. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS
 Statewide: Water System Plans (05-1-003)

Appropriation:
 State Building Construction Account--State \$110,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$110,000

Sec. 212. 2003 1st sp.s. c 26 s 304 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
 ECOLOGY
 Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: ~~((4))~~
 \$8,000,000 of the appropriation is provided solely for a grant to the port of Ridgefield to continue clean-up actions on port-owned property.

Appropriation:
 Local Toxics Control Account--State (~~(\$45,000,000)~~) \$45,250,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL (~~(\$45,000,000)~~) \$45,250,000

NEW SECTION. Sec. 213. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
 Water Conveyance Infrastructure Projects (05-2-850)

The appropriation in this section is subject to the following conditions and limitations:
 (1) \$1,500,000 of the state building construction account--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(2) \$300,000 of the state and local improvements revolving account--state appropriation is provided solely for the Bertrand watershed improvement district to address unpermitted water use and environmental compliance and fund early action planning, feasibility studies, and construction of early action projects.

(3) \$1,600,000 of the state and local improvements revolving account--state appropriation is provided solely for the Middle Fork Nooksack river water diversion system.

(4)(a) \$4,200,000 of the state and local improvements revolving account--state appropriation and \$150,000 of the state building construction account--state appropriation in this section are provided solely for grants to finance water infrastructure and conveyance projects in twenty-eight priority salmon basins. The purpose of this funding is to develop projects and take other water management actions that benefit stream flows and enhance water supply that resolves conflicts among water needs for municipal water supply, agricultural water supply, and fish restoration. The stream flow or other public benefits should be commensurate with the investment of state funds.

(b) Priority for the use of these funds must be given to projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plan; or to projects that are part of an approved habitat conservation plan, or other intergovernmental agreement. Projects may precede completion of comprehensive watershed plans if resolution of the conflicts is necessary and the actions are compatible with the long-term planning effort. The department shall seek local and federal funds to augment the funding provided by this appropriation.

(c) Up to \$2,000,000 of this subsection (4) money may be used for basin flow achievement and protection projects.

(5) \$50,000 of the state building construction account--state is provided solely for Ahtanum creek watershed restoration and Pine Hollow reservoir.

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$6,100,000
State Building Construction Account--State \$1,700,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,800,000

NEW SECTION. **Sec. 214.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Appropriation:

Water Quality Account--State \$525,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$8,705,000
TOTAL \$9,230,000

Sec. 215. 2003 1st sp.s. c 26 s 310 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, (~~2003~~) 2004, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

(3) \$344,000 of the water quality account reappropriation is provided for water leases or projects in the Yakima river basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.

(4) \$85,000 of the state building construction account--state appropriation is for the purchase of pipe to protect fish during the noxious weed control board of Grant county's yellow nutsedge eradication efforts.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$2,650,000	
Water Quality Account--State ((\$3,117,000))	<u>\$2,148,708</u>
Subtotal Reappropriation ((\$5,767,000))	<u>\$4,798,708</u>

Appropriation:

State Building Construction Account--State ((\$1,000,000))	<u>\$2,000,000</u>
Prior Biennia (Expenditures) \$3,233,000	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$10,000,000))	<u>\$10,031,708</u>

NEW SECTION. Sec. 216. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Quad City Water Right Mitigation (05-2-850)

Appropriation:

Water Quality Account--State \$2,200,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$2,200,000	

Sec. 217. 2003 1st sp.s. c 26 s 315 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving Account--State ((\$66,663,333))	<u>\$81,054,333</u>
Water Pollution Control Revolving Account--Federal \$44,466,666	
Subtotal Appropriation ((\$111,129,999))	<u>\$125,520,999</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$462,000,000	
TOTAL ((\$573,129,999))	<u>\$587,520,999</u>

Sec. 218. 2003 1st sp.s. c 26 s 333 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

STATE PARKS AND RECREATION COMMISSION

Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

(2) The state building construction account--state appropriation shall not be allotted until a project request report has been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000

State Building Construction Account--State \$2,000,000

Subtotal Appropriation \$2,200,000

Prior Biennia (Expenditures) \$1,500,000

Future Biennia (Projected Costs) \$0

TOTAL ~~((\$4,200,000))~~

\$6,200,000

NEW SECTION. **Sec. 219.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Unforeseen Needs - Special Federal and Local Projects (04-2-024)

Appropriation:

General Fund--Federal \$250,000

General Fund--Local \$250,000

Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$2,000,000

TOTAL \$2,500,000

Sec. 220. 2003 1st sp.s. c 26 s 356 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Recreation Program (FARR) (04-4-006)

Appropriation:

Firearms Range Account--State ~~((\$150,000))~~

\$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~((\$150,000))~~

\$250,000

Sec. 221. 2003 1st sp.s. c 26 s 366 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$325,000 of the appropriation is provided solely to the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses within state parks.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State ~~((\$6,226,310))~~

\$6,926,310

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~((\$6,226,310))~~

\$6,926,310

NEW SECTION. Sec. 222. If chapter . . . (Substitute House Bill No. 2919), Laws of 2004, is not enacted by April 15, 2004, section 221 of this act is null and void.

Sec. 223. 2003 1st sp.s. c 26 s 379 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION
STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

(2) The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State (~~(\$2,000,000)~~)

\$6,000,000

Prior Biennia (Expenditures) (~~(\$0)~~)

\$4,500,000

Future Biennia (Projected Costs) (~~(\$0)~~)

\$8,500,000

TOTAL (~~(\$4,000,000)~~)

\$20,000,000

NEW SECTION. Sec. 224. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program - Loans (05-4-003)

The appropriation in this section is subject to the following conditions and limitations: The conservation assistance revolving account appropriation is provided solely for loans under the conservation reserve enhancement program.

Appropriation:

Conservation Assistance Revolving Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

Sec. 225. 2003 1st sp.s. c 26 s 399 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
FISH AND WILDLIFE

Internal and External Partnership Improvements (04-1-007)

The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal (~~(\$4,000,000)~~)

\$14,800,000

General Fund--Private/Local \$2,000,000

Game Special Wildlife Account--State \$50,000

Game Special Wildlife Account--Federal \$400,000

Game Special Wildlife Account--Private/Local \$50,000

Subtotal Appropriation (~~(\$6,500,000)~~)

\$17,300,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$6,500,000)~~)

\$17,300,000

Sec. 226. 2003 1st sp.s. c 26 s 397 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish and Wildlife Population and Habitat Protection (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:
~~((+)) \$400,000 of the wildlife account--state appropriation is provided solely for upland wildlife habitat.~~

~~((2) \$500,000 of the wildlife account--state appropriation is provided solely to maintain existing mitigation agreements in the Snake river region for upland habitat and additional agreements with landowners.)~~

Appropriation:

General Fund--Federal \$2,830,000
General Fund--Private/Local \$3,500,000
State Building Construction Account--State \$2,400,000
Wildlife Account--State (~~(\$1,700,000)~~)

\$1,200,000

Subtotal Appropriation (~~(\$10,430,000)~~)

\$9,930,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$10,430,000)~~)

\$9,930,000

Sec. 227. 2003 1st sp.s. c 26 s 389 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)

The appropriations in this section are subject to the following conditions and limitations:
(1) \$301,000 of the state building construction account appropriation is provided solely for improvements at the Centralia game farm, to include: (1) \$175,000 for a brooder barn to replace numerous houses; (2) \$50,000 to replace flight pens; and (3) \$76,000 to replace the roofs on several buildings.

(2) The state wildlife account appropriation is provided for the department to cover incidental moving costs and possible rent for temporary housing for employees in the warehouse and to hire an outside consultant to complete a master plan analysis. The analysis shall include the benefits and costs of potential options to identify the highest and best uses for agency-owned facilities in the Olympia, Lacey, and Tumwater area. At a minimum, options shall include the sale of owned facilities, exchange for replacement facilities, and potential collocation of existing functions with other state agencies. The department shall work with the office of financial management and the department of general administration in developing this analysis. This analysis shall follow the office of financial management project request/report/predesign manual format and be completed by September 15, 2004.

(3) \$100,000 of the state building construction account--state appropriation is provided solely for fishing and hunting access improvements in Snohomish county, preferably the Snohomish county diking district number 6. The department is directed to take all appropriate and necessary steps to rename a portion of Snohomish county diking district number 6 as "William E. O'Neil Jr. wildlife area." The department shall consult with the interagency committee for outdoor recreation to determine the feasibility of universal access for hunting at this site or at other locations in Snohomish county. These funds are to be used solely for fishing and hunting access purposes, including signage, permanent structures, and improvements to existing access features. The department is directed to work with interested parties to accomplish the foregoing objectives, and to provide a report to the legislature by December 31, 2004, regarding these provisions.

Appropriation:

General Fund--Federal \$600,000

State Building Construction Account--State \$3,875,000	
<u>Wildlife Account--State \$250,000</u>	
Subtotal Appropriation ((\$4,475,000))	<u>\$4,725,000</u>

Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$4,475,000))	<u>\$4,725,000</u>

Sec. 228. 2003 1st sp.s. c 26 s 390 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Fish and Wildlife Opportunity Improvements (04-2-006)

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the wildlife account--state appropriation is provided solely for the department of fish and wildlife to identify reforms in environmental permitting programs that implement the alternative mitigation principles embodied in its 2003 wind power guidelines and the work of the transportation permit efficiency and accountability committee. The department shall work cooperatively with the department of ecology to determine how these principles can be applied more broadly to other project types, and how new mitigation opportunities can be applied to implementing instream flow and other habitat programs. The department shall report back to the governor and appropriate committees of the legislature by December 31, 2004.

Appropriation:

<u>Aquatic Lands Enhancement Account--State \$300,000</u>	
<u>Warm Water Game Fish Account--State \$550,000</u>	
<u>Wildlife Account--State \$1,500,000</u>	
Subtotal Appropriation ((\$2,050,000))	<u>\$2,350,000</u>

Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$2,050,000))	<u>\$2,350,000</u>

NEW SECTION. **Sec. 229.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
 DEPARTMENT OF NATURAL RESOURCES
 Grazing Study (05-2-851)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is for the department to contract with the joint legislative audit and review committee for an assessment of the benefits and costs associated with grazing leases or related agreements on lands managed by the department of natural resources. This assessment shall include considerations of the following elements:
 - (a) The total annual dollar revenues the department of natural resources receives from grazing leases;
 - (b) The total annual dollars the trust beneficiaries receive from the total revenues from such leases;
 - (c) A review of any other benefits the department of natural resources estimates as accruing from these grazing leases;
 - (d) An estimate of the costs associated with these grazing leases; and
 - (e) A review of the department's expenditures for management of grazing lands.
- (2) The joint legislative audit and review committee shall also review the legal requirements that apply to the management of these grazing lands and the department's management policies and practices for these lands.
- (3) The department of natural resources shall provide the joint legislative audit and review committee with necessary data and information for this assessment on a timely basis. A report of this assessment must be provided to the appropriate legislative fiscal and policy committees by June 30, 2005.

Appropriation:

Resource Management Cost Account--State \$50,000	
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Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

NEW SECTION. **Sec. 230.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Forestry Certification Study (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of natural resources to prepare a report for the legislature and the board of natural resources that identifies: (1) What changes to the current state forest management practices need to be implemented for state-managed forests to achieve third-party sustainable forestry certification under the standards of major sustainable forestry certification organizations; (2) what added changes in operational costs would be associated with the changes in management practices necessary to achieve certifications; (3) whether and how the preferred sustainable harvest level alternative identified by the board of natural resources would satisfy the state's responsibilities under any applicable habitat conservation plans; and (4) how the preferred sustainable harvest level calculation identified by the board of natural resources increases or decreases the cost of compliance with the standards of major sustainable forestry certification organizations.

Appropriation:

Resource Management Cost Account--State \$50,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

Sec. 231. 2003 1st sp.s. c 26 s 412 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (04-2-014)

Appropriation:

Community and Technical College Forest Reserve Account--State (~~(\$96,000)~~) \$365,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$96,000)~~) \$365,000

Sec. 232. 2003 1st sp.s. c 26 s 426 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner Program (04-2-003)

Appropriation:

State Building Construction Account--State (~~(\$2,000,000)~~) \$4,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$2,000,000)~~) \$4,000,000

NEW SECTION. **Sec. 233.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION
STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 each are provided to four public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from 2002-03 to 2003-04. The grants shall be used for capital construction purposes as determined by students in the schools. The funds may be used for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:
 Education Construction Account--State \$100,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$100,000

NEW SECTION. Sec. 234. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
 Infectious Disease Laboratory Facilities (04-2-851)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least four million dollars in matching federal funds for this facility.

Appropriation:
 Gardner-Evans Higher Education Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

Sec. 235. 2003 1st sp.s. c 26 s 628 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
 UW Emergency Power Expansion - Phase II (04-1-024)

~~((Reappropriation:
 University of Washington Building Account--State \$700,000))~~

Appropriation:
 State Building Construction Account--State \$3,500,000
 University of Washington Building Account--State ~~((2,448,000))~~ \$3,148,000

Subtotal Appropriation ~~((5,948,000))~~ \$6,648,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ~~((7,813,164))~~ \$0

TOTAL ~~((14,161,164))~~ \$6,648,000

Sec. 236. 2003 1st sp.s. c 26 s 633 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
 UW Campus Communications Infrastructure (05-2-850)

Appropriation:
 State Building Construction Account--State \$5,000,000
 Gardner-Evans Higher Education Construction Account--State \$2,000,000
 Subtotal Appropriation \$7,000,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ~~((20,000,000))~~

\$18,000,000

TOTAL \$25,000,000

NEW SECTION. Sec. 237. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Classroom Improvements (05-1-850)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 238. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY
WASHINGTON STATE UNIVERSITY

WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)

The appropriation in this section is subject to the following conditions and limitations: It is the intent of the legislature that the project funded in this section shall constitute the university's highest capital project priority through the 2005-07 biennium.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$31,600,000

Prior Biennia (Expenditures) \$2,250,000
Future Biennia (Projected Costs) \$0
TOTAL \$33,850,000

NEW SECTION. Sec. 239. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Wastewater Reclamation Project: Infrastructure (05-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation represents the total commitment of state funding to this phase and any future phases of this project.

(2) By June 30, 2004, Washington State University and the city of Pullman shall submit a report to the office of financial management and standing capital budget committees of the house of representatives and the senate that: (a) Summarizes the strategy for completion of future phases of this project and identifies all other state, federal, local, and private funding sources including grants and loans; (b) summarizes the phasing and costs for this project and future phases; and (c) identifies water conservation measures to be enacted by Washington State University and the city of Pullman.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$3,400,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$7,063,000
TOTAL \$10,463,000

Sec. 240. 2003 1st sp.s. c 26 s 659 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
EASTERN WASHINGTON UNIVERSITY

EWU Senior Hall Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State ((~~\$730,000~~))

Appropriation:	<u>\$681,116</u>
State Building Construction Account--State ((\$6,000,000))	
	<u>\$2,000,000</u>
Gardner-Evans Higher Education Construction Account--State \$12,120,012	
Subtotal Appropriation \$14,120,012	
Prior Biennia (Expenditures) ((\$581,000))	
	<u>\$629,884</u>
Future Biennia (Projected Costs) ((\$8,480,315))	
	<u>\$0</u>
TOTAL ((\$15,791,315))	<u>\$15,431,012</u>

Sec. 241. 2003 1st sp.s. c 26 s 678 (uncodified) is amended to read as follows:
FOR CENTRAL WASHINGTON UNIVERSITY
CENTRAL WASHINGTON UNIVERSITY
CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:	
State Building Construction Account--State \$2,500,000	
Appropriation:	
State Building Construction Account--State \$1,438,000	
(Community and Technical College Capital Projects Account--State) Gardner-Evans Higher Education Construction Account-- State ((\$2,962,000))	<u>\$4,962,000</u>
Central Washington University Capital Projects Account--State \$3,600,000	
Subtotal Appropriation ((\$8,000,000))	<u>\$10,000,000</u>
Prior Biennia (Expenditures) \$75,000	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$10,575,000))	<u>\$12,575,000</u>

NEW SECTION. **Sec. 242.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:
FOR CENTRAL WASHINGTON UNIVERSITY
Minor Works - Health, Safety, and Code Requirements (05-1-850)

Appropriation:	
Central Washington University Capital Projects Account--State \$450,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$450,000	

NEW SECTION. **Sec. 243.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:
FOR CENTRAL WASHINGTON UNIVERSITY
Minor Works - Infrastructure (05-1-851)

Appropriation:	
Central Washington University Capital Projects Account--State \$713,500	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$713,500	

NEW SECTION. Sec. 244. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY
CWU/Wenatchee Higher Education Center (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is to fund Central Washington University's portion of a shared center and student service addition to Van Tassell center on the Wenatchee Valley Community College campus that replaces the space currently leased by Central Washington University.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

Sec. 245. 2003 1st sp.s. c 26 s 695 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
THE EVERGREEN STATE COLLEGE
Lab II 3rd Floor - Chemistry Labs Remodel (04-2-007)

Appropriation:

The Evergreen State College Capital Projects Account--State (~~(\$3,000,000)~~)

\$1,400,000

Gardner-Evans Higher Education Construction Account--State \$1,600,000
Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 246. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE (SIRTI)
SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE (SIRTI)
Emergency Repairs (05-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to make concrete repairs.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$290,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$290,000

NEW SECTION. Sec. 247. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY
WESTERN WASHINGTON UNIVERSITY
Bond Hall Renovation/Asbestos Abatement (04-1-080)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,900,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,900,000

Sec. 248. 2003 1st sp.s. c 26 s 702 (uncodified) is amended to read as follows:
FOR WESTERN WASHINGTON UNIVERSITY
Communications Facility (98-2-053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State (~~(\$22,500,000)~~) \$13,888,908

Appropriation:

Western Washington University Capital Projects Account--State \$3,920,000

Prior Biennia (Expenditures) (~~(\$13,973,400)~~) \$18,584,492

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$40,393,400)~~) \$36,393,400

NEW SECTION. **Sec. 249.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY
EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Cheney Cowles Museum: Addition and Remodel (98-2-001)

Appropriation:

State Building Construction Account--State \$3,200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,200,000

Sec. 250. 2003 1st sp.s. c 26 s 784 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Peninsula College: Replacement Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives and design for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

(3) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Community and Technical College Capital Projects Account--State \$82,800

Gardner-Evans Higher Education Construction Account--State \$1,134,000

Subtotal Appropriation \$1,216,800

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) (~~(\$10,752,500)~~)

TOTAL \$10,835,300 \$9,618,500

Sec. 251. 2003 1st sp.s. c 26 s 786 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Appropriation:

State Building Construction Account--State \$2,481,000
Gardner-Evans Higher Education Construction Account--State \$14,357,000
Subtotal Appropriation \$16,838,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) (~~(\$14,357,000)~~)

\$0

TOTAL \$16,838,000

Sec. 252. 2003 1st sp.s. c 26 s 798 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Everett Community College: (~~Renovation~~) Replacement - Monte Cristo Hall (04-1-305)

Appropriation:

State Building Construction Account--State \$7,352,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,352,000

Sec. 253. 2003 1st sp.s. c 26 s 801 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300
Gardner-Evans Higher Education Construction Account--State \$19,471,749
Subtotal Appropriation \$20,735,049

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) (~~(\$16,371,700)~~)

\$0

TOTAL (~~(\$17,635,000)~~)

\$20,735,049

Sec. 254. 2003 1st sp.s. c 26 s 787 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is solely for the land acquisition for and design of a multiple use fine arts building.

(2) The state board for community and technical colleges shall submit major project reports to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

Appropriation:

State Building Construction Account--State \$1,827,799
Gardner-Evans Higher Education Construction Account--State \$2,500,000
Subtotal Appropriation \$4,327,799

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,645,515
TOTAL (~~(\$18,473,314)~~)

\$20,973,314

NEW SECTION. **Sec. 255.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Seattle: Training Facility (05-1-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a single shop and classroom training facility to replace eight wood frame structures.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the portables.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$722,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,342,480

TOTAL \$8,064,480

NEW SECTION. **Sec. 256.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Business and Social Science Building (05-1-853)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a two-story building housing social science and business divisions to replace buildings 3, 4, and 14 which are not cost effective to renovate.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the existing buildings.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,800,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$19,781,000

TOTAL \$21,581,000

NEW SECTION. **Sec. 257.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a building to house allied health programs, replacing Anderson hall, and consolidating programs and staff from other locations. The appropriation does not include the design, renovation, or demolition of related space to be vacated.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of Anderson hall.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,618,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$25,249,855

TOTAL \$26,867,855

NEW SECTION. **Sec. 258.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is to purchase and install state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the social security act (Reed act).

Appropriation:

Unemployment Compensation Administration Account--Federal \$6,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000(End of part)

**PART 3
OTHER FUNDING ADJUSTMENTS**

Sec. 301. 2003 1st sp.s. c 26 s 601 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
STATE BOARD OF EDUCATION
Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:
(1) (~~(\$13,500,000)~~) \$26,500,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.
(2) (~~(\$67,415,000)~~) \$63,415,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State ((\$27,000,000))	<u>\$40,000,000</u>
Education Construction Account--State ((\$67,415,000))	<u>\$63,415,000</u>
Subtotal Appropriation ((\$94,415,000))	<u>\$103,415,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$94,415,000))	<u>\$103,415,000</u>

Sec. 302. 2003 1st sp.s. c 26 s 603 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
State Bonds for Common School Construction (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit in the common school construction account.

Appropriation:

State Building (and) Construction Account--State ((\$118,050,000))	<u>\$110,593,000</u>
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Sec. 303. 2003 1st sp.s. c 26 s 629 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
UNIVERSITY OF WASHINGTON
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:
(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 630 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State ((\$20,108,000))	<u>\$21,633,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$20,108,000))	<u>\$21,633,000</u>

Sec. 304. 2003 1st sp.s. c 26 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY
WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 651 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State ((\$7,876,000))	<u>\$8,474,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$7,876,000))	<u>\$8,474,000</u>

Sec. 305. 2003 1st sp.s. c 26 s 672 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
EASTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 673 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

- (3) Section 915 of this act does not apply to this appropriation.
- (4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State ((\$1,726,000))	<u>\$1,857,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$1,726,000))	<u>\$1,857,000</u>

Sec. 306. 2003 1st sp.s. c 26 s 685 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY
CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 686 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

- (3) Section 915 of this act does not apply to this appropriation.
- (4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State ((\$1,886,000))	<u>\$2,029,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$1,886,000))	<u>\$2,029,000</u>

Sec. 307. 2003 1st sp.s. c 26 s 697 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 698 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

- (3) Section 915 of this act does not apply to this appropriation.
- (4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

The Evergreen State College Capital Projects Account--State \$150,000	
Education Construction Account--State ((\$584,000))	

Subtotal Appropriation ((\$734,000))	\$628,000
	<u>\$778,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$734,000))	<u>\$778,000</u>

Sec. 308. 2003 1st sp.s. c 26 s 708 (uncodified) is amended to read as follows:
FOR WESTERN WASHINGTON UNIVERSITY
WESTERN WASHINGTON UNIVERSITY
 Preventive Facility Maintenance and Building System Repairs (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.
- (2) With this appropriation and that provided in section 709 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
- (3) Section 915 of this act does not apply to this appropriation.
- (4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State ((\$2,814,000))	<u>\$3,027,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$2,814,000))	<u>\$3,027,000</u>

Sec. 309. 2003 1st sp.s. c 26 s 799 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.
- (2) With this appropriation and that provided in section 800 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
- (3) Section 915 of this act does not apply to this appropriation.
- (4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State ((\$17,754,000))	<u>\$19,100,000</u>
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Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((\$17,754,000))

\$19,100,000

PART 4 MISCELLANEOUS

NEW SECTION. Sec. 901. A new section is added to chapter 89.08 RCW to read as follows:

(1) The conservation assistance revolving account is created in the custody of the state treasurer. The account shall be administered by the conservation commission. Moneys from the account may only be spent after appropriation. Moneys placed in the account shall include principal and interest from the repayment of any loans granted under this section, and any other moneys appropriated to the account by the legislature. Expenditures from the account may be used to make loans to landowners for projects enrolled in the conservation reserve enhancement program.

(2) In order to aid the financing of conservation reserve enhancement program projects, the conservation commission, through the conservation districts, may make interest-free loans to conservation reserve enhancement program enrollees from the conservation assistance revolving account. The conservation commission may require such terms and conditions as it deems necessary to carry out the purposes of this section. Loans to landowners shall be for costs associated with the installation of conservation improvements eligible for and secured by federal farm service agency practice incentive payment reimbursement. Loans under this program promote critical habitat protection and restoration by bridging the financing gap between project implementation and federal funding. The conservation commission shall give loan preferences to those projects expected to generate the greatest environmental benefits and that occur in basins with critical or depressed salmonid stocks. Money received from landowners in loan repayments made under this section shall be paid into the conservation assistance revolving account for uses consistent with this section.

Sec. 902. 2003 1st sp.s. c 26 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management and the office of financial management has formally approved the lists. Proposed revisions to the lists must be filed with and approved by the office of financial management before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects valued between \$25,000 and \$1 million each that are of a similar nature and can generally be completed within two years of the appropriation with the funding provided. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act.

(3) The office of financial management shall forward copies of these project lists and revised lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. ~~((The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.))~~

(4) The legislature generally does not intend to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

Sec. 903. 2003 1st sp.s. c 26 s 907 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under

this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Enter into, after approval by the office of financial management and the state finance committee, a long-term lease of up to twenty-five years, or long-term lease with an option to purchase, with the city of Seattle, for up to 250,000 square feet of office space that is being lease developed by the city of Seattle. Agency occupancy costs will not exceed comparable private market rental rates in downtown Seattle. The comparable general office space rate shall be calculated based on lease rates (adjusted for inflation) of the tenants at the time of proposed occupancy as determined by the department of general administration.

(3) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

~~((3))~~ (4) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(5) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

~~((4))~~ (6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$1,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition and development of parking facilities.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.

~~((5))~~ (g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

(k) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(l) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(m) Enter into a financing contract on behalf of Columbia Basin College for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the medical technology and science education addition to the T-Building renovation and establish the Washington institute of science education (WISE).

NEW SECTION. Sec. 904. Beginning with their 2005-07 capital budget submittal to the governor, the state board of education, in consultation with the Washington state skills centers, shall develop and submit a prioritized list of capital preservation, equipment with long life-cycles, space expansion, and improvement projects. The list shall be developed based on, but not limited to, the following factors: Projected enrollment growth; local school district participation and financial support; changes in the business and industry needs in the state; and efficiency in program delivery and operations.

NEW SECTION. Sec. 905. (1) The department of natural resources shall conduct an inventory on state lands of old growth forests as defined by a panel of scientists. The panel of scientists shall include three scientific scholars with well documented expertise in Pacific Northwest forest ecology, one of whom will serve as chair by consensus of the panel, one representative from the department of natural resources, and one representative from the Washington department of fish and wildlife. The panel shall review the best available scientific information and develop a definition for old growth forests in Washington state. The inventory shall include maps illustrating the distribution of old growth forests on state lands, and tables describing the number of acres of such forest in each county, the department's administrative unit, and forest type. The maps and tables shall identify both structurally uniform and structurally complex stands. The department of natural resources shall make a report of the inventory to the appropriate committees of the legislature.

(2)(a) On the western side of the crest of the Cascade mountains, cutting or removal of the trees and stands 160 years or older is prohibited, other than for reasons of safety to mitigate an imminent hazard, for the duration of the study.

(b) On the eastern side of the crest of the Cascade mountains, cutting or removal of the trees and stands 160 years or older is subject to the department publishing notification of proposed cutting or removal of old growth timber.

(3) This section expires June 30, 2005.

Sec. 906. RCW 43.82.010 and 1997 c 117 s 1 are each amended to read as follows:

(1) The director of general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate

than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility. For the 2003-05 biennium, any lease entered into after the effective date of this section with a term of ten years or less shall not contain a nonappropriation clause.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; and

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(14) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 907. (1)(a) The legislature acknowledges the recommendation of the house of representatives capital budget committee 2002 interim workgroup on higher education facilities regarding encouragement of partnerships that attract federal and private funding for certain types of capital facilities, particularly research facilities and facilities providing unique or targeted skills. One incentive to attracting nonstate funding of facilities might be the state sharing in the ongoing operating and maintenance costs through the operating budget and sharing future capital maintenance costs. The workgroup recommended that a process be developed to enable an institution to request such assistance up-front at the time the facility being funded with nonstate resources is planned, rather than after the facility is built. While the legislature will not commit in a present budget to providing operating and maintenance or capital maintenance funding in the future, the institution is less likely to receive this assistance when the facility is constructed if the assistance was not requested up-front when the facility was being planned. Until a more formal process is identified, the legislature will acknowledge such a request in a budget proviso or in the legislative budget notes. This section does not apply to facilities that traditionally do not receive any state budget support, such as student dining, recreation, and housing facilities.

(b) While the legislature assumes facilities funded using alternative financing contracts approved in the capital budget will not be receiving state budget support, exceptions to this should be requested of the governor and legislature up-front, as provided for in this section for nonstate funded facilities.

(2)(a) The following project, funded primarily by nonstate budget sources, is expected to be included in the institution's operating budget request once the facility is completed: Washington State University's agricultural research facility, constructed using federal funds.

(b) The legislature is not committing to providing funds for operating and maintenance or capital maintenance on the facility described in (a) of this subsection at this time, but will consider that decision when the project nears completion. Considerations will include the appropriate amount of such assistance, particularly given the research nature of the facility and the potential for indirect cost recovery associated with the research grants coming to the institution as a result of the facility.

Sec. 908. RCW 43.99E.025 and 1991 c 3 s 302 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account--water supply facilities of the general fund under the terms of this chapter shall be divided into two shares as follows:

(1) Seventy-five million dollars, or so much thereof as may be required, shall be used for domestic, municipal, and industrial water supply facilities; and

(2) Fifty million dollars, or so much thereof as may be required, shall be used for water supply facilities for agricultural use alone or in combination with fishery, recreational, or other beneficial uses of water; for the 2003-05 biennium, proceeds may also be used for water conveyance projects.

The share of seventy-five million dollars shall be administered by the department of health and the share of fifty million dollars shall be administered by the department of ecology, subject to legislative appropriation. The administering departments may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for the issuance of the bonds by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

Sec. 909. RCW 70.146.030 and 2003 1st sp.s. c 25 s 934 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2003, to June 30, 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights, for water related mitigation or settlements, and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 910. RCW 28B.50.360 and 2002 c 238 s 303 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and, during the 2003-05 biennium, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((During the 2001-2003 fiscal biennium, the legislature may transfer from the account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

NEW SECTION. Sec. 911. During the 2005-07 biennium, the state parks and recreation commission shall study, and implement if deemed appropriate by the commission, the transfer of Old Man House state park to the Suquamish tribe. Any agreements shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe restricted to the enforceability of the reversion clause included in RCW 79A.05.170.

Sec. 912. RCW 79.10.320 and 2003 c 334 s 538 are each amended to read as follows:

(1) The department shall manage the state-owned lands under its jurisdiction which are primarily valuable for the purpose of growing forest crops on a sustained yield basis insofar as compatible with other statutory directives. To this end, the department shall periodically adjust the acreages designated for inclusion in the sustained yield management program and calculate a sustainable harvest level.

(2) For the final sustainable harvest level intended to be adopted by the board during calendar year 2004, the board may identify a single preferred harvest level alternative. The board may adopt a final sustainable harvest level only after:

(a) The report required in section 230 of this act has been produced and delivered to the appropriate standing and fiscal committees of the legislature;

(b) A legislative review of the report has been conducted by the appropriate committees of the legislature; and

(c) At least one hearing has been held by the board on the findings in the report and the results of the legislative review.

NEW SECTION. **Sec. 913.** Section 912 of this act expires June 30, 2005.

NEW SECTION. **Sec. 914.** A new section is added to chapter 39.33 RCW to read as follows:

(1) During the 2003-05 biennium, notwithstanding any other provision of law, the department of general administration is authorized to sell the property and attendant parking lot located at 1058 Capitol Way, Olympia, for fair market value to a nonprofit organization whose function is to produce television coverage of state government deliberations and other events of statewide significance.

(2) This section expires June 30, 2005.

NEW SECTION. **Sec. 915.** (1)(a) Washington State University shall retain ownership of 22 acres of the lower pasture area south of the WSU Puyallup research campus in perpetuity unless the WSU board of regents decides to relinquish ownership of the property. Should the board of regents decide to relinquish ownership, the 22 acres will be transferred by the board of regents to Pierce county unless the property is within the Puyallup city limits, in which case the property shall be transferred to the city of Puyallup.

(b) Washington State University shall cause to be filed a deed restriction on the property described in (a) of this subsection requiring that, should the university dispose of the property, it must be transferred to the county or city as required in (a) of this subsection.

(2) In consideration for the contingency set forth in subsection (1) of this section, unencumbered title to 160 acres of timber land currently under the cognizance and control of Washington State University pursuant to RCW 72.01.142 will transfer to Washington State University, and the remaining approximately 550 acres will revert to the control of the department of social and health services. The aforementioned property shall be the 80 acres located on the south half of the northwest quarter of section 12 and the 80 acres on the north half of the south west quarter of section 12.

(3) This section expires June 30, 2005.

Sec. 916. RCW 28B.30.810 and 1988 c 57 s 1 are each amended to read as follows:

(1) Except as provided in any transaction which occurs during the 2003-05 biennium under section 915 of this act, Washington State University shall establish and operate a dairy/forage and agricultural research facility at the Rainier school farm.

(2) Local funds generated through operation of this facility shall be managed in a revolving fund, established herewith, by the university. This fund shall consist of all moneys received in connection with the operation of the facility and any moneys appropriated to the fund by law. Disbursements from the revolving fund shall be on authorization of the president of the university or the president's designee. In order to maintain an effective expenditure and revenue control, this fund, to be known as the dairy/forage facility revolving fund, shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(3) In the event state funding is not sufficient to operate the dairy cattle herd, the university is authorized to lease the herd, together with the land necessary to maintain the same, for such period and upon such terms as the university board of regents shall deem proper.

Sec. 917. RCW 28B.30.820 and 1981 c 238 s 3 are each amended to read as follows:

Except as provided in any transaction which occurs during the 2003-05 biennium under section 915 of this act, Washington State University shall assume cognizance of all real property, improvements thereon, livestock, equipment, supplies, and other items transferred by the secretary of social and health services pursuant to RCW 72.01.142.

The secretary of social and health services and the university may negotiate for a division of services and expenses related to road maintenance, water, and sewer services and buildings and grounds included in the transfer pursuant to RCW 72.01.142 or on other matters concerning this transfer. Any differences which cannot be agreed upon shall be resolved by the office of financial management and certify the same to the state agencies concerned.

Sec. 918. RCW 72.01.142 and 1981 c 238 s 2 are each amended to read as follows:

(1)(a) The secretary of social and health services shall transfer on July 1, 1981, cognizance and control of all real property and improvements thereon owned by the state at the Rainier school, used for agricultural purposes, other than the school buildings and school grounds, to Washington State University for use as a dairy/forage research facility established pursuant to RCW 28B.30.810.

(b) All livestock and the supplies, equipment, implements, documents, records, papers, vehicles, appropriations, tangible property, and other items used in the dairy operation or production of forage shall also be transferred to the university.

(2) On the effective date of this section, Washington State University shall transfer back to the department of social and health services the cognizance and control of a portion of the approximately 550 acres

described in subsection (1)(a) of this section during the 2003-05 biennium as provided in section 915 of this act.

NEW SECTION. Sec. 919. (1) All transaction costs associated with the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, shall be included in the valuation of the lands exchanged.

(2) The department of natural resources is authorized to use moneys derived from the sale of lands acquired by the common school trust through the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, to acquire commercial or industrial properties for the common school trust.

(3) If chapter . . . (House Bill No. 3045), Laws of 2004, is not enacted by April 15, 2004, this section expires April 16, 2004.

NEW SECTION. Sec. 920. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 921. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 922. Except for sections 117 and 202 of this act, which take effect April 16, 2004, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.82.010, 43.99E.025, 70.146.030, 28B.50.360, 79.10.320, 28B.30.810, 28B.30.820, and 72.01.142; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 161, 159, 173, 169, 250, 234, 313, 312, 317, 309, 340, 367, 369, 354, 394, 406, 408, 501, 604, 615, 743, 380, 738, 805, 782, 816, 821, 130, 134, 151, 162, 267, 304, 310, 315, 333, 356, 366, 379, 399, 397, 389, 390, 412, 426, 628, 633, 659, 678, 695, 702, 784, 786, 798, 801, 787, 601, 603, 629, 650, 672, 685, 697, 708, 799, 905, and 907 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency."

With the consent of the House, amendments (1122), (1121) and (1161) were withdrawn.

Representative Carrell moved the adoption of amendment (1154) to amendment (1115):

On page 5 of the amendment, beginning on line 29, strike section 109 and insert the following:

"**Sec. 109.** 2003 1st sp.s. c 26 s 173 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Security (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall require that, except for emergency response personnel who are responding to an emergency within the Legislative Building, every person, including but not limited to all elected officials and all staff of elected officials, who enters the Legislative Building shall be required to pass through a security checkpoint before entering the building, including any metal detectors installed as a result of this appropriation.

Appropriation:

Thurston County Capital Facilities Account-State \$1,179,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,179,000"

On page 29 of the amendment, line 35, strike "\$5,113,000" and insert "\$4,813,000"

On page 30 of the amendment, line 3, strike "\$105,594,000" and insert "\$105,294,000"

Representatives Carrell, Alexander, Buck and Shabro spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee and Romero spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Pearson moved the adoption of amendment (1143) to amendment (1115):

On page 7 of the amendment, beginning on line 27, strike section 112

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Pearson and Kristiansen spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Orcutt moved the adoption of amendment (1125) to amendment (1115):

On page 15 of the amendment, line 15, strike "\$12,000,000" and insert (~~(\$12,000,000)~~) \$8,000,000"

On page 44 of the amendment, line 9, strike "\$4,000,000" and insert "\$8,000,000"

Representative Orcutt spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Mastin moved the adoption of amendment (1179) to amendment (1115):

On page 16 of the amendment, after line 2, insert the following:

"(4) The committee shall develop or revise project evaluation criteria based on the provisions of chapter ... (House Bill 2275 or Senate Bill 6082), Laws of 2004, as it prepares its project recommendations for the next budget cycle."

Representative Mastin spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Bush moved the adoption of amendment (1152) to amendment (1115):

On page 18, beginning on line 3, strike section 127

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative Bush spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Alexander moved the adoption of amendment (1148) to amendment (1115):

On page 25, of the amendment, beginning on line 7, strike sections 202 and 203
Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Alexander spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Schoesler moved the adoption of amendment (1146) to amendment (1115):

On page 41, strike lines 17 through 29

Representative Schoesler spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Orcutt moved the adoption of amendment (1144) to amendment (1115):

On page 43 of the amendment, beginning on line 1, strike section 230
Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 78 of the amendment, beginning on line 36, strike sections 912 and 913
Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Orcutt, Buck, Sump. Orcutt (again) and Schoesler spoke in favor of the adoption of the amendment to the amendment.

Representatives Linville, Rockefeller, Linville (again) and Cooper spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Orcutt moved the adoption of amendment (1171) to amendment (1115):

On page 43 of the amendment, after line 3, strike lines 4 through 21 and insert the following:
"Forestry Certification Process (05-2-850)

(1) The appropriation in this section is for a forestry certification process. The legislature finds that the department of natural resources manages state forests consistent with the forest practices rules, habitat conservation plans, and under a sustained yield harvest plan. The forest management required by these constraints necessarily means that wood products originating from state forests are managed consistent with advanced principles of sustainable forestry stewardship that meet or exceed the environmental and social standards of most public and private timber growing operations in both the nation and the world. As such, the state of Washington should aggressively market its wood products to end consumers and product manufacturers that are concerned with the forest practices used to grow the timber they are choosing to purchase.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the board of natural resources.

(b) "Council" means the evergreen sustainable forestry council created in subsection 3 of this act.

(c) "Department" means the department of natural resources.

(d) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(3)(a) The evergreen sustainable forestry council is created.

The council is comprised of:

- (i) The commissioner of public lands, or the commissioner's designee;
- (ii) The governor, or the governor's designee;
- (iii) The superintendent of public instruction, or the superintendent's designee;
- (iv) A designee representing the state university system, appointed by the governor;
- (v) A designee representing those counties that contain state forest lands, appointed by the governor;
- (vi) Two owners or operators of private commercial timberland, appointed by the governor, one being a small forest landowner;
- (vii) Two members of the house of representatives from different political parties, appointed by the speaker of the house of representatives; and
- (viii) Two members of the senate from different political parties, appointed by the president of the senate.

(b) Staff to the council shall be provided by the department.

(4) The council shall designate timber that satisfies the standards of this chapter as "evergreen certified." The council shall develop and implement a marketing plan for evergreen certified wood products. The goal of this plan is to:

(a) Educate wood purchasers about the environmental stewardship and sustainable forest practices involved in the planting, growing, and harvesting of evergreen certified wood;

(b) Promote evergreen certified wood in the marketplace as an alternative to the recognition of other third-party sustainable forestry certification organizations; and

(c) Develop a niche market for evergreen certified wood that will bring a premium price to the producers of evergreen certified wood.

(5) Timber produced on public lands in Washington shall be designated as "evergreen certified" by the council if the timber satisfies the following criteria:

(a) The timber was managed in compliance with the forest practices rules adopted under chapter 76.09 RCW;

(b) The timber was managed in compliance with any habitat conservation plan agreed to by the department and the federal government; and

(c) The timber was harvested pursuant to a sustainable harvest plan adopted by the board under RCW 79.10.320.

(6) Timber produced on private lands in Washington must be designated as "evergreen certified" by the council if the timber was managed under the forest practices rules adopted under chapter 76.09 RCW."

On page 78 of the amendment, beginning on line 36, strike sections 912 and 913.

Re-number remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Orcutt and Clements spoke in favor of the adoption of the amendment to the amendment.

Representative Rockefeller spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

With the consent of the House, amendment (1145) to amendment (1115) was withdrawn.

Representative Alexander moved the adoption of amendment (1153) to amendment (1115):

On page 51 of the amendment, beginning on line 16, strike section 249

Re-number remaining sections consecutively and correct internal references accordingly.

Representative Alexander spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative McMorris moved the adoption of amendment (1177) to amendment (1115):

On page 56 of the amendment, beginning on line 3, strike section 258

Representatives McMorris and Chandler spoke in favor of the adoption of the amendment to the amendment.

Representative Conway spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (1177) to amendment (1115) to Substitute House Bill No. 2573.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1177) to amendment (1115) to Substitute House Bill No. 2573, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 51.

Excused: Representative Edwards - 1.

Representative Alexander moved adoption of amendment (1147) to amendment (1115):

On page 58 of the amendment, beginning on line 3, strike sections 303 through 309
Correct internal references and correct the title.

Representative Alexander spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Schoesler moved the adoption of amendment (1183) to amendment (1115):

On page 68 of the amendment, line 6, after "committee" insert "and a positive result from the joint legislative audit and review committee leasing model"

Representative Schoesler spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative DeBolt moved the adoption of amendment (1155) to amendment (1115):

On page 70 of the amendment, beginning on line 18, strike section 905

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives DeBolt, Alexander and DeBolt (again) spoke in favor of the adoption of the amendment to the amendment.

Representative Rockefeller spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

With the consent of the House, amendment (1151) was withdrawn.

Representative Woods moved the adoption of amendment (1182) to amendment (1115):

On page 78 of the amendment, line 29, after "**Sec. 911.**" strike the remainder of the section and insert the following:

"During the 2003-05 biennium, the state parks and recreation commission shall continue to operate Old Man House state park and shall work with the community, including the Suquamish tribe, to establish a community volunteer program to help maintain and enhance the park."

Representatives Woods, Pearson and Newhouse spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee and Dickerson spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Bush moved the adoption of amendment (1130) to amendment (1115):

On page 79 of the amendment, beginning on line 30, strike sections 915, 916, 917, and 918
Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Bush, Shabro and Chandler spoke in favor of the adoption of the amendment to the amendment.

Representatives Morrell and Dunshee spoke against the adoption of the amendment to the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result was 47 - YEAS; 50 - NAYS.

The amendment to the amendment was not adopted.

Representative Orcutt moved the adoption of amendment (1124) to amendment (1115):

On page 82, after line 7, insert the following:

"**Sec. 920.** RCW 76.13.120 and 2002 c 120 s 2 are each amended to read as follows:

(1) The legislature finds that the state should acquire easements along riparian and other sensitive aquatic areas from small forest landowners willing to sell or donate such easements to the state provided that the state will not be required to acquire such easements if they are subject to unacceptable liabilities. The legislature therefore establishes a forestry riparian easement program.

(2) The definitions in this subsection apply throughout this section and RCW 76.13.100 and 76.13.110 unless the context clearly requires otherwise.

(a) "Forestry riparian easement" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(b) "Qualifying timber" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under the rules adopted under RCW 76.09.055 and 76.09.370 or that is made uneconomic to harvest by those rules, and for which the small landowner is willing to grant the state a forestry riparian easement. "Qualifying timber" is timber within or bordering a commercially reasonable harvest unit as determined under rules adopted by the forest practices board, or timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules.

(c) "Small forest landowner" means a landowner meeting all of the following characteristics: (i) A forest landowner as defined in RCW 76.09.020 whose interest in the land and timber is in fee or who has rights to the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is submitted; (ii) an entity that has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the owner as a small harvester under RCW 84.33.035; and (iii) an entity that certifies at the time of application that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.035 during the ten years following application. If a landowner's prior three-year average harvest exceeds the limit of RCW 84.33.035, or the landowner expects to exceed this limit during the ten years following application, and that landowner establishes to the department of natural resources' reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses, the landowner shall be deemed to be a small forest landowner.

For purposes of determining whether a person qualifies as a small forest landowner, the small forest landowner office, created in RCW 76.13.110, shall evaluate the landowner under this definition as of the date that the forest practices application is submitted or the date the landowner notifies the department that the harvest is to begin with which the forestry riparian easement is associated. A small forest landowner can include an individual, partnership, corporate, or other nongovernmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section. If a landowner is unable to obtain an approved forest practices application for timber harvest for any of his or her land because of restrictions under the forest practices rules, the landowner may still qualify as a small forest landowner under this section.

(d) "Completion of harvest" means that the trees have been harvested from an area and that further entry into that area by mechanized logging or slash treating equipment is not expected.

(3) The department of natural resources is authorized and directed to accept and hold in the name of the state of Washington forestry riparian easements granted by small forest landowners covering qualifying timber and to pay compensation to such landowners in accordance with subsections (6) and (7) of this section. The department of natural resources may not transfer the easements to any entity other than another state agency.

(4) Forestry riparian easements shall be effective for fifty years from the date the forest practices application associated with the qualifying timber is submitted to the department of natural resources, unless the easement is terminated earlier by the department of natural resources voluntarily, based on a determination that termination is in the best interest of the state, or under the terms of a termination clause in the easement.

(5) Forestry riparian easements shall be restrictive only, and shall preserve all lawful uses of the easement premises by the landowner that are consistent with the terms of the easement and the requirement to protect riparian functions during the term of the easement, subject to the restriction that the leave trees required by the rules to be left on the easement premises may not be cut during the term of the easement. No right of public access to or across, or any public use of the easement premises is created by this statute or by the easement. Forestry riparian easements shall not be deemed to trigger the compensating tax of or otherwise disqualify land from being taxed under chapter 84.33 or 84.34 RCW.

(6) ~~(Upon)~~ Within sixty days of the department's receipt of a completed application ((~~of~~)) from a small forest landowner for a riparian easement that is associated with a forest practices application and the landowner's marking of the qualifying timber on the qualifying lands, the small forest landowner office shall determine the compensation to be offered to the small forest landowner as provided for in this section and simultaneously present the landowner with both a compensation offer and a completed easement contract. The small forest landowner office shall also, within sixty days from the time of a completed application, determine the compensation to be offered to a small forest landowner for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules and simultaneously present the landowner with both a compensation offer and a completed easement contract. The legislature recognizes that there is not readily available market transaction evidence of value for easements of this nature, and thus establishes the following methodology to ascertain the value for forestry riparian easements. Values so determined shall not be considered competent evidence of value for any other purpose.

The small forest landowner office shall establish the volume of the qualifying timber. Based on that volume and using data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091, the small forest landowner office shall attempt to determine the fair market value of the qualifying

timber as of the date the forest practices application associated with the qualifying timber was submitted or the date the landowner notifies the department that the harvest is to begin. Removal of any qualifying timber before the expiration of the easement must be in accordance with the forest practices rules and the terms of the easement. There shall be no reduction in compensation for reentry.

(7)(a) Except as provided in subsection (8) of this section, the small forest landowner office shall, subject to available funding, offer compensation to the small forest landowner in the amount of fifty percent of the value determined in subsection (6) of this section, plus the compliance and reimbursement costs as determined in accordance with RCW 76.13.140.

(b) If the landowner accepts the offer for qualifying timber that will be harvested pursuant to an approved forest practices application, the department (~~(of natural resources)~~) shall pay the compensation (~~(promptly upon (a))~~) within thirty days of:

(i) Completion of harvest in the area covered by the forestry riparian easement; (~~((b))~~)

(ii) Verification that there has been compliance with the rules requiring leave trees in the easement area; and (~~((c))~~)

(iii) Execution and delivery of the easement to the department (~~(of natural resources)~~).

(c) If the landowner accepts the offer for qualifying timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under the forest practices rules, the department (~~(of natural resources)~~) shall pay the compensation (~~(promptly upon)~~) within thirty days of:

(i) Verification that there has been compliance with the rules requiring leave trees in the easement area; and

(ii) Execution and delivery of the easement to the department (~~(of natural resources)~~).

(d) If the department fails to pay the agreed to compensation within the thirty days required by this section, the department is responsible for reimbursing the landowner all interest that accrues on the amount owed each day after the thirtieth day until final payment is delivered. Interest must be calculated according to the rules adopted by the department of revenue under RCW 84.69.100.

(e) Upon donation or payment of compensation, the department of natural resources may record the easement.

(8) For approved forest practices applications where the regulatory impact is greater than the average percentage impact for all small landowners as determined by the department (~~(of natural resources)~~) analysis under the regulatory fairness act, chapter 19.85 RCW, the compensation offered will be increased to one hundred percent for that portion of the regulatory impact that is in excess of the average. Regulatory impact includes trees left in buffers, special management zones, and those rendered uneconomic to harvest by these rules. A separate average or high impact regulatory threshold shall be established for western and eastern Washington. Criteria for these measurements and payments shall be established by the small forest landowner office.

(9) The forest practices board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, to implement the forestry riparian easement program, including the following:

(a) A standard version or versions of all documents necessary or advisable to create the forestry riparian easements as provided for in this section;

(b) Standards for descriptions of the easement premises with a degree of precision that is reasonable in relation to the values involved;

(c) Methods and standards for cruises and valuation of forestry riparian easements for purposes of establishing the compensation. The department (~~(of natural resources)~~) shall perform the timber cruises of forestry riparian easements required under this chapter and chapter 76.09 RCW. Any rules concerning the methods and standards for valuations of forestry riparian easements shall apply only to the department (~~(of natural resources)~~), small forest landowners, and the small forest landowner office;

(d) A method to determine that a forest practices application involves a commercially reasonable harvest, and adopt criteria for entering into a forest riparian easement where a commercially reasonable harvest is not possible or a forest practices application that has been submitted cannot be approved because of restrictions under the forest practices rules;

(e) A method to address blowdown of qualified timber falling outside the easement premises;

(f) A formula for sharing of proceeds in relation to the acquisition of qualified timber covered by an easement through the exercise or threats of eminent domain by a federal or state agency with eminent domain authority, based on the present value of the department's (~~(of natural resources')~~) and the landowner's relative interests in the qualified timber;

(g) High impact regulatory thresholds;

(h) A method to determine timber that is qualifying timber because it is rendered uneconomic to harvest by the rules adopted under RCW 76.09.055 and 76.09.370; and

(i) A method for internal department (~~(of natural resources)~~) review of small forest landowner office compensation decisions under subsection (7) of this section.

(10) The department of natural resources must provide payment, no more than thirty days after the effective date of this section, to any applicant to the forest riparian easement program who has satisfied, by the effective date of this section, the requirements for payment in this section. If the department of natural

resources fails to provide payment to the applicant within the required timelines, then interest will be payable to the applicant as specified in this section.

NEW SECTION. Sec. 921. Section 920 of this act expires June 30, 2005."
Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result was 47 - YEAS; 50 - NAYS.

The amendment to the amendment was not adopted.

Amendment (1115) was adopted. The bill was ordered engrossed.

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

Representatives Dunshee, Hunt, Morrell and Eickmeyer spoke in favor of passage of the bill.

Representatives Alexander, Orcutt, Priest, Delvin, Sump and DeBolt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2573.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2573 and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Armstrong, Benson, Blake, Chase, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Upthegrove, Voloria, Wallace, Wood and Mr. Speaker - 61.

Voting nay: Representatives Alexander, Anderson, Bailey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Crouse, DeBolt, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Jarrett, Kristiansen, McIntire, McMahan, Mielke, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Sehlin, Shabro, Sump, Talcott, Tom and Woods - 36.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, having received the necessary constitutional majority, was declared passed.

There being no objection, Rule 13c was suspended.

SECOND READING

ENGROSSED SENATE BILL NO. 6453, By Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

Enacting a modified blanket primary. (REVISED FOR ENGROSSED: Creating a qualifying primary.)

The bill was read the second time.

Representative Armstrong moved the adoption of amendment (1184):

On page 1, after line 17, insert the following:

"PART 1 - QUALIFYING PRIMARY"

On page 3, beginning on line 31, after "RCW 29A.24.030(3)" strike "or section 16 of this act"

On page 10, beginning on line 15, after "general election." strike all material through "applies" on line 18

Beginning on page 10, line 36, strike all of section 16

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 24, line 26, after "RCW 29A.24.030(3)" strike "or section 16 of this act"

On page 42, after line 27, insert the following:

"PART 2 - NOMINATING PRIMARY"

NEW SECTION. **Sec. 101.** A new section is added to chapter 29A.52 RCW to read as follows:

If a court of competent jurisdiction holds that a candidate may not identify a major or minor political party as best approximating his or her political philosophy, as provided in RCW 29A.24.030(3), and all appeals of that court order have been exhausted or waived, the secretary of state shall notify the governor, the majority and minority leaders of the two largest caucuses in the senate and the house of representatives, the code reviser, and all county auditors that the state can no longer conduct a qualifying primary and instead will conduct a nominating primary. Upon issuance of such a notification by the secretary of state, no qualifying primary may be held in Washington.

NEW SECTION. **Sec. 102.** A new section is added to chapter 29A.04 RCW to read as follows:

As used in this title:

(1) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;

(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;

(5) "Provisional ballot" means a ballot issued to a voter at the polling place on election day by the precinct election board, for one of the following reasons:

(a) The voter's name does not appear in the poll book;

(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;

(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;

(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;

(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.04 RCW to read as follows:

"Major political party" means a political party of which at least one nominee for president, vice president, United States senator, or a statewide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year. A political party qualifying as a major political party under this section retains such status until the next even-year election at which a candidate of that party does not achieve at least five percent of the vote for one of the previously specified offices. If none of these offices appear on the ballot in an even-year general election, the major party retains its status as a major party through that election. However, a political party of which no nominee received at least ten percent of the total vote cast may forgo its status as a major political party by filing with the secretary of state an appropriate party rule within sixty days of attaining major party status under this section, or within fifteen days of the effective date of this act, whichever is later.

NEW SECTION. Sec. 104. A new section is added to chapter 29A.04 RCW to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to appoint the precinct election officers and to provide for their compensation; to provide the supplies and materials necessary for the conduct of elections to the precinct election officers; and to publish and post notices of calling such primaries and elections in the manner provided by law. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer will be on the ballot. The auditor shall also apportion to each city, town, or district, and to the state of Washington in the odd-numbered year, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to section 106 of this act and RCW 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

NEW SECTION. Sec. 105. A new section is added to chapter 29A.04 RCW to read as follows:

Nominating primaries for general elections to be held in November, and the election of precinct committee officers, must be held on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first.

NEW SECTION. Sec. 106. A new section is added to chapter 29A.04 RCW to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may, if it deems an emergency to exist, call a special county election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Except as provided in subsection (4) of this section, a special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The fourth Tuesday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary as specified by section 105 of this act; or

(f) The first Tuesday after the first Monday in November.

(3) In addition to the dates set forth in subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

NEW SECTION. Sec. 107. A new section is added to chapter 29A.08 RCW to read as follows:

No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information marked on the voter's ballot, including the choice that a voter makes on a partisan primary ballot regarding political party affiliation.

NEW SECTION. Sec. 108. A new section is added to chapter 29A.08 RCW to read as follows:

Under no circumstances may an individual be required to affiliate with, join, adhere to, express faith in, or declare a preference for, a political party or organization upon registering to vote.

NEW SECTION. Sec. 109. A new section is added to chapter 29A.12 RCW to read as follows:

The secretary of state shall not approve a vote tallying system unless it:

- (1) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;
- (2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;
- (3) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;
- (4) Produces precinct and cumulative totals in printed form; and
- (5) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction.

NEW SECTION. Sec. 110. A new section is added to chapter 29A.20 RCW to read as follows:

(1) Any nomination of a candidate for partisan public office by other than a major political party may be made only: (a) In a convention held not earlier than the last Saturday in June and not later than the first Saturday in July or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with section 118 of this act; (b) as provided by section 147 of this act; or (c) as otherwise provided in this section. Minor political party and independent candidates may appear only on the general election ballot.

(2) Nominations of candidates for president and vice president of the United States other than by a major political party may be made either at a convention conducted under subsection (1) of this section, or at a similar convention taking place not earlier than the first Sunday in July and not later than seventy days before the general election. Conventions held during this time period may not nominate candidates for any public office other than president and vice president of the United States, except as provided in subsection (3) of this section.

(3) If a special filing period for a partisan office is opened under section 116 of this act, candidates of minor political parties and independent candidates may file for office during that special filing period. The names of those candidates may not appear on the general election ballot unless they are nominated by convention held no later than five days after the close of the special filing period and a certificate of nomination is filed with the filing officer no later than three days after the convention. The requirements of section 189 of this act do not apply to such a convention.

(4) A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position. For the purpose of nominating candidates for the offices of president and vice president, United States senator, United States representative, or a statewide office, a minor party or independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention obtained in support of the candidate or candidates in order to obtain the number required by section 111 of this act. For all other offices for which nominations are made, signatures of the requisite number of registered voters must be obtained at a single convention.

NEW SECTION. Sec. 111. A new section is added to chapter 29A.20 RCW to read as follows:

(1) To be valid, a convention must be attended by at least one hundred registered voters.

(2) In order to nominate candidates for the offices of president and vice president of the United States, United States senator, United States representative, or any statewide office, a nominating convention shall obtain and submit to the filing officer the signatures of at least one thousand registered voters of the state of Washington. In order to nominate candidates for any other office, a nominating convention shall obtain and submit to the filing officer the signatures of one hundred persons who are registered to vote in the jurisdiction of the office for which the nominations are made.

NEW SECTION. Sec. 112. A new section is added to chapter 29A.20 RCW to read as follows:

A nominating petition submitted under this chapter shall clearly identify the name of the minor party or independent candidate convention as it appears on the certificate of nomination as required by section 154(3) of this act. The petition shall also contain a statement that the person signing the petition is a registered voter of the state of Washington and shall have a space for the voter to sign his or her name and to print his or her name and address. No person may sign more than one nominating petition under this chapter for an office for an election.

NEW SECTION. Sec. 113. A new section is added to chapter 29A.20 RCW to read as follows:

Not later than the Friday immediately preceding the first day for candidates to file, the secretary of state shall notify the county auditors of the names and designations of all minor party and independent candidates who have filed valid convention certificates and nominating petitions with that office. Except for the offices of president and vice president, persons nominated under this chapter shall file declarations of candidacy as provided by section 158 of this act and RCW 29A.24.070. The name of a candidate nominated at a convention shall not be printed upon the general election ballot unless he or she pays the fee required by law to be paid by candidates for the same office to be nominated at a primary.

NEW SECTION. Sec. 114. A new section is added to chapter 29A.24 RCW to read as follows:

(1) The nominating petition authorized by section 160 of this act must be printed on sheets of uniform color and size, must include a place for each individual to sign and print his or her name and the address, city, and county at which he or she is registered to vote, and must contain no more than twenty numbered lines.

(2) For candidates for nonpartisan office and candidates of a major political party for partisan office, the nominating petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made), hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (insert name of office).

(3) For independent candidates and candidates of a minor political party for partisan office, the nominating petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made), hereby petition that the name of (candidate's name) be printed on the official general election ballot for the office of (insert name of office).

NEW SECTION. Sec. 115. A new section is added to chapter 29A.24 RCW to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the ballots for that precinct have not been printed. The filing officer may permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots for that city, town, or special district have not been ordered. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

NEW SECTION. Sec. 116. A new section is added to chapter 29A.24 RCW to read as follows:

Filings for a partisan elective office shall be opened for a period of three normal business days whenever, on or after the first day of the regular filing period and before the sixth Tuesday prior to a primary, a vacancy occurs in that office, leaving an unexpired term to be filled by an election for which filings have not been held.

Any such special three-day filing period shall be fixed by the election officer with whom declarations of candidacy for that office are filed. The election officer shall give notice of the special three-day filing period by notifying the press, radio, and television in the county or counties involved, and by such other means as may be required by law.

Candidacies validly filed within the special three-day filing period shall appear on the ballot as if filed during the regular filing period.

NEW SECTION. Sec. 117. A new section is added to chapter 29A.24 RCW to read as follows:

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day before the primary or election. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in section 160 of this act.

Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by major political parties pursuant to section 192 of this act need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if the manner in which the write-in is done does not make the office or position clear.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committeeperson;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committeeperson.

The declaration of candidacy shall be similar to that required by section 158 of this act. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

NEW SECTION. Sec. 118. A new section is added to chapter 29A.28 RCW to read as follows:

(1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy. Minor political party candidates and independent candidates may be nominated through the convention procedures provided in chapter 29A.20 RCW.

(2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for nominating major political party candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary, special vacancy election, and minor party and independent candidate nominating conventions must be held in concert with the state primary and state general election in that year.

(4) If the vacancy occurs on or after the first day for filing under RCW 29A.24.050 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The last day of the filing period shall not be later than the third Tuesday before the primary at which major political party candidates are to be nominated. The names of major political party candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot. The requirements of section 189 of this act do not apply to a minor political party or independent candidate convention held under this subsection.

(5) If the vacancy occurs later than the second Friday following the close of the filing period, a special primary, special vacancy election, and the minor party and independent candidate conventions to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.

NEW SECTION. Sec. 119. A new section is added to chapter 29A.28 RCW to read as follows:

The general election laws and laws relating to partisan primaries shall apply to the special primaries and vacancy elections provided for in chapter 29A.28 RCW to the extent that they are not inconsistent with the provisions of these sections. Minor political party and independent candidates may appear only on the general election ballot. Statutory time deadlines relating to availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under section 151 of this act.

NEW SECTION. Sec. 120. A new section is added to chapter 29A.28 RCW to read as follows:

If a vacancy occurs in the office of precinct committee officer by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall fill the vacancy by appointment. However, in a legislative district having a majority of its precincts in a county with a population of one million or more, the appointment may be made only upon the recommendation of the legislative district chair. The person so appointed must have the same qualifications as candidates when filing for election to the office for that precinct. When a vacancy in the office of precinct committee officer exists because of failure to elect at a state primary, the vacancy may not be filled until after the organization meeting of the county central committee and the new county chair has been selected as provided by RCW 29A.80.030.

NEW SECTION. Sec. 121. A new section is added to chapter 29A.32 RCW to read as follows:

The voters' pamphlet must contain:

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, advocating the candidacies of nominees for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) In even-numbered years, a section explaining how voters may participate in the election campaign process; the address and telephone number of the public disclosure commission established under RCW 42.17.350; and a summary of the disclosure requirements that apply when contributions are made to candidates and political committees;

(5) In even-numbered years the name, address, and telephone number of each political party with nominees listed in the pamphlet, if filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party;

(6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;

(7) An application form for an absentee ballot;

(8) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(9) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

NEW SECTION. Sec. 122. A new section is added to chapter 29A.32 RCW to read as follows:

If the secretary of state prints and distributes a voters' pamphlet for a primary in an even-numbered year, it must contain:

(1) A description of the office of precinct committee officer and its duties;

(2) An explanation that, for partisan offices, only voters who choose to affiliate with a major political party may vote in that party's primary election, and that voters must limit their participation in a partisan primary to one political party; and

(3) An explanation that minor political party candidates and independent candidates will appear only on the general election ballot.

NEW SECTION. Sec. 123. A new section is added to chapter 29A.32 RCW to read as follows:

The local voters' pamphlet shall include but not be limited to the following:

(1) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;

(2) A list of jurisdictions that have measures or candidates in the pamphlet;

(3) Information on how a person may register to vote and obtain an absentee ballot;

(4) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

(5) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; and

(6) For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot.

NEW SECTION. Sec. 124. A new section is added to chapter 29A.36 RCW to read as follows:

On or before the day following the last day for major political parties to fill vacancies in the ticket as provided by section 191 of this act, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party designation, if any. Minor political party and independent candidates may appear only on the general election ballot.

NEW SECTION. Sec. 125. A new section is added to chapter 29A.36 RCW to read as follows:

Except for the candidates for the positions of president and vice president, for a partisan or nonpartisan office for which no primary is required, or for independent or minor party candidates, the names of all candidates who, under this title, filed a declaration of candidacy or were certified as a candidate to fill a vacancy on a major party ticket will appear on the appropriate ballot at the primary throughout the jurisdiction in which they are to be nominated.

NEW SECTION. Sec. 126. A new section is added to chapter 29A.36 RCW to read as follows:

Partisan primaries must be conducted using either:

(1) A consolidated ballot format that includes a major political party identification check-off box that allows a voter to select from a list of the major political parties the major political party with which the voter chooses to affiliate. The consolidated ballot must include all partisan races, nonpartisan races, and ballot measures to be voted on at that primary; or

(2) A physically separate ballot format that includes both party ballots and a nonpartisan ballot. A party ballot must be specific to a particular major political party and may include only the partisan offices to be voted on at that primary and the names of candidates for those partisan offices who designated that same major political party in their declarations of candidacy. The nonpartisan ballot must include all nonpartisan races and ballot measures to be voted on at that primary.

NEW SECTION. Sec. 127. A new section is added to chapter 29A.36 RCW to read as follows:

(1) If the consolidated ballot format is used, the major political party identification check-off box must appear on the primary ballot before all offices and ballot measures. Clear and concise instructions to the voter must be prominently displayed immediately before the list of major political parties, and must include:

(a) A question asking the voter to indicate the major political party with which the voter chooses to affiliate;

(b) A statement that, for a major political party candidate, only votes cast by voters who choose to affiliate with that same major political party will be tabulated and reported;

(c) A statement that votes cast for a major political party candidate by a voter who chooses to affiliate with a different major political party will not be tabulated or reported;

(d) A statement that votes cast for a major political party candidate by a voter who fails to select a major political party affiliation will not be tabulated or reported;

(e) A statement that votes cast for a major political party candidate by a voter who selects more than one major political party with which to affiliate will not be tabulated or reported; and

(f) A statement that the party identification option will not affect votes cast for candidates for nonpartisan offices, or for or against ballot measures.

(2) If the physically separate ballot format is used, clear and concise instructions to the voter must be prominently displayed, and must include:

(a) A statement explaining that only one party ballot and one nonpartisan ballot may be voted;

(b) A statement explaining that if more than one party ballot is voted, none of the party ballots will be tabulated or reported;

(c) A statement explaining that a voter's affiliation with a major political party will be inferred from the act of voting the party ballot for that major political party; and

(d) A statement explaining that every eligible registered voter may vote a nonpartisan ballot, regardless of any party affiliation on the part of the voter.

NEW SECTION. Sec. 128. A new section is added to chapter 29A.36 RCW to read as follows:

Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes. Each position, together with the names of the candidates for that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked in any way that would permit the identification of the person who voted that ballot.

NEW SECTION. Sec. 129. A new section is added to chapter 29A.36 RCW to read as follows:

(1)(a) The positions or offices on a primary consolidated ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; superintendent of public instruction; insurance commissioner; state senator; state representative; county officers; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary consolidated ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

(b)(i) The positions or offices on a primary party ballot must be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; and partisan county officers. For all other jurisdictions on the primary party ballot, the offices in each jurisdiction must be grouped together and be in the order of the position numbers assigned to those offices, if any.

(ii) The positions or offices on a primary nonpartisan ballot must be arranged in substantially the following order: Superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary nonpartisan ballot, the offices in each jurisdiction must be grouped together and be in the order of the position numbers assigned to those offices, if any.

(2) The order of the positions or offices on an election ballot shall be substantially the same as on a primary consolidated ballot except that state ballot issues must be placed before all offices. The offices of president and vice president of the United States shall precede all other offices on a presidential election ballot. The positions on a ballot to be assigned to ballot measures regarding local units of government shall be established by the secretary of state by rule.

(3) The political party or independent candidacy of each candidate for partisan office shall be indicated next to the name of the candidate on the primary and election ballot. A candidate shall file a written notice with the filing officer within three business days after the close of the filing period designating the political party to be indicated next to the candidate's name on the ballot if either: (a) The candidate has been nominated by two or more minor political parties or independent conventions; or (b) the candidate has both filed a declaration of candidacy declaring an affiliation with a major political party and been nominated by a minor political party or independent convention. If no written notice is filed the filing officer shall give effect to the party designation shown upon the first document filed. A candidate may be deemed nominated by a minor party or independent convention only if all documentation required by chapter 29A.20 RCW has been timely filed.

NEW SECTION. Sec. 130. A new section is added to chapter 29A.36 RCW to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all primary, sample, and absentee ballots. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office

under section 172 of this act or RCW 29A.52.220, or if any independent or minor party candidate files a declaration of candidacy, the names shall appear on the general election ballot in the order determined by lot.

NEW SECTION. Sec. 131. A new section is added to chapter 29A.36 RCW to read as follows:

Except in each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the primary, but the names of candidates for the individual positions need not be shown.

NEW SECTION. Sec. 132. A new section is added to chapter 29A.36 RCW to read as follows:

(1) On the top of each ballot must be printed clear and concise instructions directing the voter how to mark the ballot, including write-in votes. On the top of each primary ballot must be printed the instructions required by this chapter.

(2) The questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election must appear after the instructions and before any offices.

(3) In a year that president and vice president appear on the general election ballot, the names of candidates for president and vice president for each political party must be grouped together with a single response position for a voter to indicate his or her choice.

(4) On a general election ballot, the candidate or candidates of the major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first following the appropriate office heading. The candidate or candidates of the other major political parties will follow according to the votes cast for their nominees for president at the last presidential election, and independent candidates and the candidate or candidates of all other parties will follow in the order of their qualification with the secretary of state.

(5) All paper ballots and ballot cards used at a polling place must be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot.

NEW SECTION. Sec. 133. A new section is added to chapter 29A.36 RCW to read as follows:

The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless, at the preceding primary, the candidate receives a number of votes equal to at least one percent of the total number of votes cast for all candidates for that office and a plurality of the votes cast by voters affiliated with that party for candidates for that office affiliated with that party.

NEW SECTION. Sec. 134. A new section is added to chapter 29A.40 RCW to read as follows:

(1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law. Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted.

Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct, the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot. The ballot must provide space designated for writing in the name of additional candidates.

(2) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each replacement ballot provided under this subsection.

(3) A copy of the state voters' pamphlet must be sent to registered voters temporarily outside the state, out-of-state voters, overseas voters, and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election and is available to the county auditor at the time of mailing. The county auditor shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406.

NEW SECTION. Sec. 135. A new section is added to chapter 29A.40 RCW to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36

RCW. The larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

NEW SECTION. Sec. 136. A new section is added to chapter 29A.44 RCW to read as follows:

A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

NEW SECTION. Sec. 137. A new section is added to chapter 29A.44 RCW to read as follows:

On signing the precinct list of registered voters or being issued a ballot, the voter shall, without leaving the polling place or disability access location, proceed to one of the voting booths or voting devices to cast his or her vote. When county election procedures so provide, the election officers may tear off and retain the numbered stub from the ballot before delivering it to the voter. If an election officer has not already done so, when the voter has finished, he or she shall either (1) remove the numbered stub from the ballot, place the ballot in the ballot box, and return the number to the election officers, or (2) deliver the entire ballot to the election officers, who shall remove the numbered stub from the ballot and place the ballot in the ballot box. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter shall also return unvoted party ballots to the precinct election officers, who shall void the unvoted party ballots and return them to the county auditor. If poll-site ballot counting devices are used, the voter shall put the ballot in the device.

NEW SECTION. Sec. 138. A new section is added to chapter 29A.44 RCW to read as follows:

As each voter casts his or her vote, the precinct election officers shall insert in the poll books or precinct list of registered voters opposite that voter's name, a notation to credit the voter with having participated in that primary or election. No record may be made of a voter's party affiliation in a partisan primary. The precinct election officers shall record the voter's name so that a separate record is kept.

NEW SECTION. Sec. 139. A new section is added to chapter 29A.52 RCW to read as follows:

Major political party candidates for all partisan elected offices, except for president and vice president, precinct committee officer, and offices exempted from the primary under section 172 of this act, must be nominated at primaries held under this chapter.

NEW SECTION. Sec. 140. A new section is added to chapter 29A.52 RCW to read as follows:

It is the intent of the legislature to create a primary for all partisan elected offices, except for president and vice president, precinct committee officer, and offices exempted from the primary under section 172 of this act, that:

- (1) Allows each voter to participate;
- (2) Preserves the privacy of each voter's party affiliation;
- (3) Rejects mandatory voter registration by political party;
- (4) Protects ballot access for all candidates, including minor political party and independent candidates;
- (5) Maintains a candidate's right to self-identify with any major political party; and
- (6) Upholds a political party's First Amendment right of association.

NEW SECTION. Sec. 141. A new section is added to chapter 29A.52 RCW to read as follows:

Instructions for voting a consolidated ballot or a physically separate ballot, whichever is applicable, must appear, at the very least, in:

- (1) Any primary voters' pamphlet prepared by the secretary of state or a local government if a partisan office will appear on the ballot;
- (2) Instructions that accompany any partisan primary ballot;
- (3) Any notice of a partisan primary published in compliance with section 145 of this act;
- (4) A sample ballot prepared by a county auditor under section 131 of this act for a partisan primary;
- (5) The web site of the office of the secretary of state and any existing web site of a county auditor's office; and
- (6) Every polling place.

NEW SECTION. Sec. 142. A new section is added to chapter 29A.52 RCW to read as follows:

- (1) Under a consolidated ballot format:
 - (a) Votes for a major political party candidate will only be tabulated and reported if cast by voters who choose to affiliate with that same major political party;
 - (b) Votes cast for a major political party candidate by a voter who chooses to affiliate with a different major political party may not be tabulated or reported;
 - (c) Votes cast for a major political party candidate by a voter who fails to select a major political party affiliation may not be tabulated or reported;
 - (d) Votes cast for a major political party candidate by a voter who selects more than one major political party with which to affiliate may not be tabulated or reported; and
 - (e) Votes properly cast may not be affected by votes improperly cast for other races.
- (2) Under a physically separate ballot format:
 - (a) Only one party ballot and one nonpartisan ballot may be voted;
 - (b) If more than one party ballot is voted, none of the ballots will be tabulated or reported;
 - (c) A voter's affiliation with a major political party will be inferred from the act of voting the party ballot for that major political party; and
 - (d) Every eligible registered voter may vote a nonpartisan ballot.

NEW SECTION. Sec. 143. A new section is added to chapter 29A.52 RCW to read as follows:

So far as applicable, the provisions of this title relating to conducting general elections govern the conduct of primaries.

NEW SECTION. Sec. 144. A new section is added to chapter 29A.52 RCW to read as follows:

Nothing in this chapter may be construed to mean that a voter may cast more than one vote for candidates for a given office.

NEW SECTION. Sec. 145. A new section is added to chapter 29A.52 RCW to read as follows:

Not more than ten nor less than three days before the primary the county auditor shall publish notice of such primary in one or more newspapers of general circulation within the county. The notice must contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary, instructions for voting the applicable ballot, as provided in chapter 29A.36 RCW, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place. The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation. This is the only notice required for the holding of any primary.

NEW SECTION. Sec. 146. A new section is added to chapter 29A.52 RCW to read as follows:

No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors the names of all persons nominated for offices at a primary, or at an independent candidate or minor party convention.

NEW SECTION. Sec. 147. A new section is added to chapter 29A.60 RCW to read as follows:

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by section 117 of this act and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. For a partisan primary in a jurisdiction using the physically separate ballot format, a voter may write in on a party ballot only the names of write-in candidates who affiliate with that major political party. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to section 117 of this act is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at

the preceding primary. Any abbreviation used to designate office, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent.

(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) Write-in votes cast for an individual candidate for an office need not be tallied if the total number of write-in votes and under votes recorded by the vote tabulation system for the office is not greater than the number of votes cast for the candidate apparently nominated or elected, and the write-in votes could not have altered the outcome of the primary or election. In the case of write-in votes for statewide office or for any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied whenever the county auditor is notified by either the office of the secretary of state or another auditor in a multicounty jurisdiction that it appears that the write-in votes could alter the outcome of the primary or election.

(4) In the case of statewide offices or jurisdictions that encompass more than one county, if the total number of write-in votes and under votes recorded by the vote tabulation system for an office within a county is greater than the number of votes cast for a candidate apparently nominated or elected in a primary or election, the auditor shall tally all write-in votes for individual candidates for that office and notify the office of the secretary of state and the auditors of the other counties within the jurisdiction, that the write-in votes for individual candidates should be tallied.

NEW SECTION. Sec. 148. A new section is added to chapter 29A.80 RCW to read as follows:

Any member of a major political party who is a registered voter in the precinct may upon payment of a fee of one dollar file his or her declaration of candidacy as prescribed under section 158 of this act with the county auditor for the office of precinct committee officer of his or her party in that precinct. When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct.

NEW SECTION. Sec. 149. A new section is added to chapter 29A.80 RCW to read as follows:

The statutory requirements for filing as a candidate at the primaries apply to candidates for precinct committee officer. The office must be voted upon at the primaries, and the names of all candidates must appear under the proper party and office designations on the ballot for the primary for each even-numbered year, and the one receiving the highest number of votes will be declared elected. However, to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. The term of office of precinct committee officer is two years, commencing the first day of December following the primary.

NEW SECTION. Sec. 150. A new section is added to chapter 29A.80 RCW to read as follows:

Within forty-five days after the statewide general election in even-numbered years, the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair may be removed only by the majority vote of the elected precinct committee officers in the chair's district.

NEW SECTION. Sec. 151. A new section is added to chapter 29A.04 RCW to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;
- (7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

- (9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;
- (12) The use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
- (13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
- (14) The acceptance and filing of documents via electronic facsimile;
- (15) Voter registration applications and records;
- (16) The use of voter registration information in the conduct of elections;
- (17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
- (18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
- (19) Procedures to receive and distribute voter registration applications by mail;
- (20) Procedures for a voter to change his or her voter registration address within a county by telephone;
- (21) Procedures for a voter to change the name under which he or she is registered to vote;
- (22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
- (23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
- (24) Procedures and forms for declarations of candidacy;
- (25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
- (26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
- (27) Filing for office;
- (28) The order of positions and offices on a ballot;
- (29) Sample ballots;
- (30) Independent evaluations of voting systems;
- (31) The testing, approval, and certification of voting systems;
- (32) The testing of vote tallying software programming;
- (33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;
- (34) Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;
- (35) Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections;
- (36) Standards and procedures to accommodate out-of-state voters, overseas voters, and service voters;
- (37) The tabulation of paper ballots before the close of the polls;
- (38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;
- (39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;
- (40) Procedures for conducting a statutory recount;
- (41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
- (43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;
- (44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;
- (45) Procedures for the publication of a state voters' pamphlet;
- (46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;
- (47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252); and

(53) Facilitating the payment of local government grants to local government election officers or vendors.

NEW SECTION. Sec. 152. A new section is added to chapter 29A.04 RCW to read as follows:
"Primary" or "primary election" means a statutory procedure for nominating candidates to public office at the polls.

NEW SECTION. Sec. 153. A new section is added to chapter 29A.20 RCW to read as follows:

(1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.

(2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office.

(3) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(4) The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for the United States congress are specified in the United States Constitution.

NEW SECTION. Sec. 154. A new section is added to chapter 29A.20 RCW to read as follows:
A certificate evidencing nominations made at a convention must:

(1) Be in writing;

(2) Contain the name of each person nominated, his or her residence, and the office for which he or she is named, and if the nomination is for the offices of president and vice president of the United States, a sworn statement from both nominees giving their consent to the nomination;

(3) Identify the minor political party or the independent candidate on whose behalf the convention was held;

(4) Be verified by the oath of the presiding officer and secretary;

(5) Be accompanied by a nominating petition or petitions bearing the signatures and addresses of registered voters equal in number to that required by section 111 of this act;

(6) Contain proof of publication of the notice of calling the convention; and

(7) Be submitted to the appropriate filing officer not later than one week following the adjournment of the convention at which the nominations were made. If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a minor party or independent candidate convention nominates any candidates for offices whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state.

NEW SECTION. Sec. 155. A new section is added to chapter 29A.20 RCW to read as follows:

(1) If two or more valid certificates of nomination are filed purporting to nominate different candidates for the same position using the same party name, the filing officer must give effect to both certificates. If conflicting claims to the party name are not resolved either by mutual agreement or by a judicial determination of the right to the name, the candidates must be treated as independent candidates. Disputes over the right to

the name must not be permitted to delay the printing of either ballots or a voters' pamphlet. Other candidates nominated by the same conventions may continue to use the partisan affiliation unless a court of competent jurisdiction directs otherwise.

(2) A person affected may petition the superior court of the county in which the filing officer is located for a judicial determination of the right to the name of a minor political party, either before or after documents are filed with the filing officer. The court shall resolve the conflict between competing claims to the use of the same party name according to the following principles: (a) The prior established public use of the name during previous elections by a party composed of or led by the same individuals or individuals in documented succession; (b) prior established public use of the name earlier in the same election cycle; (c) the nomination of a more complete slate of candidates for a number of offices or in a number of different regions of the state; (d) documented affiliation with a national or statewide party organization with an established use of the name; (e) the first date of filing of a certificate of nomination; and (f) such other indicia of an established right to use of the name as the court may deem relevant. If more than one filing officer is involved, and one of them is the secretary of state, the petition must be filed in the superior court for Thurston county. Upon resolving the conflict between competing claims, the court may also address any ballot designation for the candidate who does not prevail.

NEW SECTION. Sec. 156. A new section is added to chapter 29A.20 RCW to read as follows:

A minor political party or independent candidate convention nominating candidates for the offices of president and vice president of the United States shall, not later than ten days after the adjournment of the convention, submit a list of presidential electors to the office of the secretary of state. The list shall contain the names and the mailing addresses of the persons selected and shall be verified by the presiding officer of the convention.

NEW SECTION. Sec. 157. A new section is added to chapter 29A.20 RCW to read as follows:

Upon the receipt of the certificate of nomination, the officer with whom it is filed shall check the certificate and canvass the signatures on the accompanying nominating petitions to determine if the requirements of section 111 of this act have been met. Once the determination has been made, the filing officer shall notify the presiding officer of the convention and any other persons requesting the notification, of his or her decision regarding the sufficiency of the certificate or the nominating petitions. Any appeal regarding the filing officer's determination must be filed with the superior court of the county in which the certificate or petitions were filed not later than five days from the date the determination is made, and shall be heard and finally disposed of by the court within five days of the filing. Nominating petitions shall not be available for public inspection or copying.

NEW SECTION. Sec. 158. A new section is added to chapter 29A.24 RCW to read as follows:

A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

- (1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;
- (2) A place for the candidate to indicate the position for which he or she is filing;
- (3) A place for the candidate to indicate a party designation, if applicable;
- (4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a nominating petition in lieu of the filing fee under section 160 of this act;
- (5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in section 160 of this act.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

NEW SECTION. Sec. 159. A new section is added to chapter 29A.24 RCW to read as follows:

Any candidate may mail his or her declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:

(1) Any declaration received by the filing officer by mail before the tenth business day immediately preceding the first day for candidates to file for office shall be returned to the candidate submitting it, together with a notification that the declaration of candidacy was received too early to be processed. The candidate shall then be permitted to resubmit his or her declaration of candidacy during the filing period.

(2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the last day of the filing period shall be included with filings made in person during the filing period. In partisan and judicial elections the filing officer shall determine by lot the order in which the names of those candidates shall appear upon sample and absentee primary ballots.

(3) Any declaration of candidacy received by the filing officer after the close of business on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it.

NEW SECTION. Sec. 160. A new section is added to chapter 29A.24 RCW to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

NEW SECTION. Sec. 161. A new section is added to chapter 29A.24 RCW to read as follows:

Nominating petitions may be rejected for the following reasons:

(1) The petition is not in the proper form;

(2) The petition clearly bears insufficient signatures;

(3) The petition is not accompanied by a declaration of candidacy;

(4) The time within which the petition and the declaration of candidacy could have been filed has expired.

If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the nominating petition is filed. He or she shall additionally reject any signature that appears on the nominating petitions of two or more candidates for the same office and shall also reject, each time it appears, the name of any person who signs the same petition more than once.

If the officer with whom the petition is filed refuses to accept the petition or refuses to certify the petition as bearing sufficient valid signatures, the person filing the petition may appeal that action to the superior court. The application for judicial review shall take precedence over other cases and matters and shall be speedily heard and determined.

NEW SECTION. Sec. 162. A new section is added to chapter 29A.24 RCW to read as follows:

A void in candidacy for a nonpartisan office occurs when an election for such office, except for the short term, has been scheduled and no valid declaration of candidacy has been filed for the position or all persons filing such valid declarations of candidacy have died or been disqualified.

NEW SECTION. Sec. 163. A new section is added to chapter 29A.24 RCW to read as follows:

The election officer with whom declarations of candidacy are filed shall give notice of a void in candidacy for a nonpartisan office, by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law. The notice shall state the office, and the time and place for filing declarations of candidacy.

NEW SECTION. Sec. 164. A new section is added to chapter 29A.24 RCW to read as follows:

Filings to fill a void in candidacy for nonpartisan office must be made in the same manner and with the same official as required during the regular filing period for such office, except that nominating signature

petitions that may be required of candidates filing for certain district offices during the normal filing period may not be required of candidates filing during the special three-day filing period.

NEW SECTION. Sec. 165. A new section is added to chapter 29A.24 RCW to read as follows:

Filings for a nonpartisan office shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the sixth Tuesday prior to a primary:

- (1) A void in candidacy occurs;
- (2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or
- (3) A nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

NEW SECTION. Sec. 166. A new section is added to chapter 29A.24 RCW to read as follows:

Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

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

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

NEW SECTION. Sec. 167. A new section is added to chapter 29A.24 RCW to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when:

- (1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the sixth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;
- (2) Except as otherwise specified in section 166 of this act, a nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the sixth Tuesday prior to a primary;
- (3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the sixth Tuesday prior to an election.

NEW SECTION. Sec. 168. A new section is added to chapter 29A.32 RCW to read as follows:

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under RCW 29A.32.060 may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates or nominees for each office.

NEW SECTION. Sec. 169. A new section is added to chapter 29A.36 RCW to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a

question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

NEW SECTION. Sec. 170. A new section is added to chapter 29A.36 RCW to read as follows:

(1) Except as provided in RCW 29A.36.180 and in subsection (2) of this section, on the ballot at the general election for a nonpartisan office for which a primary was held, only the names of the candidate who received the greatest number of votes and the candidate who received the next greatest number of votes for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted, no candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary. On the ballot at the general election for any other nonpartisan office for which no primary was held, the names of the candidates shall be listed in the order determined under section 130 of this act.

(2) On the ballot at the general election for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, judge of the district court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed under the title of the office for that position.

NEW SECTION. Sec. 171. A new section is added to chapter 29A.36 RCW to read as follows:

The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under section 192 of this act.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly nominated or elected at the same election.

NEW SECTION. Sec. 172. A new section is added to chapter 29A.52 RCW to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no September primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, either of the following circumstances exist:

(1) No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or

(2) No more than two candidates have filed a declaration of candidacy for a single nonpartisan office to be filled.

In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the September primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot.

NEW SECTION. Sec. 173. A new section is added to chapter 29A.52 RCW to read as follows:

Candidates for the following offices shall be nominated at partisan primaries held pursuant to the provisions of this chapter:

(1) Congressional offices;

(2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;

(3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise.

NEW SECTION. Sec. 174. A new section is added to chapter 29A.52 RCW to read as follows:

The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

NEW SECTION. Sec. 175. A new section is added to chapter 29A.52 RCW to read as follows:

Except as provided in RCW 29A.32.260, notice for any state, county, district, or municipal election, whether special or general, must be given by at least one publication not more than ten nor less than three days before the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. The legal notice must contain the title of each office under the proper party designation, the names and addresses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and the polling places for each precinct, giving the address of each polling place. The names of all candidates for nonpartisan offices must be published separately with designation of the offices for which they are candidates but without party designation. This is the only notice required for a state, county, district, or municipal general or special election and supersedes the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

NEW SECTION. Sec. 176. A new section is added to chapter 29A.60 RCW to read as follows:

(1) If the requisite number of any federal, state, county, city, or district offices have not been nominated in a primary by reason of two or more persons having an equal and requisite number of votes for being placed on the general election ballot, the official empowered by state law to certify candidates for the general election ballot shall give notice to the several persons so having the equal and requisite number of votes to attend at the appropriate office at the time designated by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared nominated and placed on the general election ballot.

(2) If the requisite number of any federal, state, county, city, district, or precinct officers have not been elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared duly elected, and the official shall make out and deliver to the person thus duly declared elected a certificate of election.

NEW SECTION. Sec. 177. A new section is added to chapter 29A.64 RCW to read as follows:

An officer of a political party or any person for whom votes were cast in a primary who was not declared nominated may file a written application for a recount of the votes or a portion of the votes cast at that primary for all persons for whom votes were cast for nomination to that office.

An officer of a political party or any person for whom votes were cast at any election may file a written application for a recount of the votes or a portion of the votes cast at that election for all candidates for election to that office.

Any group of five or more registered voters may file a written application for a recount of the votes or a portion of the votes cast upon any question or issue. They shall designate one of the members of the group as chair and shall indicate the voting residence of each member of the group.

An application for a recount of the votes cast for an office or on a ballot measure must be filed with the officer with whom filings are made for the jurisdiction.

An application for a recount must specify whether the recount will be done manually or by the vote tally system. A recount done by the vote tally system must use programming that recounts and reports only the office or ballot measure in question. The county shall also provide for a test of the logic and accuracy of that program.

An application for a recount must be filed within three business days after the county canvassing board or secretary of state has declared the official results of the primary or election for the office or issue for which the recount is requested.

This chapter applies to the recounting of votes cast by paper ballots and to the recounting of votes recorded on ballots counted by a vote tally system.

NEW SECTION. Sec. 178. A new section is added to chapter 29A.64 RCW to read as follows:

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less

than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.

(b) If the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, and sections 179 and 180 of this act. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.

NEW SECTION. Sec. 179. A new section is added to chapter 29A.64 RCW to read as follows:

(1) At the time and place established for a recount, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board or their duly authorized representatives.

Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The canvassing board shall not permit the tabulation of votes for any nomination, election, or issue other than the ones for which a recount was applied for or required.

(2) At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount.

(3) The recount may be observed by persons representing the candidates affected by the recount or the persons representing both sides of an issue that is being recounted. The observers may not make a record of the names, addresses, or other information on the ballots, poll books, or applications for absentee ballots unless authorized by the superior court. The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount process.

NEW SECTION. Sec. 180. A new section is added to chapter 29A.64 RCW to read as follows:

Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

NEW SECTION. Sec. 181. A new section is added to chapter 29A.64 RCW to read as follows:

The canvassing board shall determine the expenses for conducting a recount of votes.

The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

NEW SECTION. Sec. 182. A new section is added to chapter 29A.68 RCW to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith

correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
- (3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
- (4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
- (5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
- (6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

NEW SECTION. Sec. 183. A new section is added to chapter 29A.80 RCW to read as follows:

- (1) Each political party organization may:
 - (a) Make its own rules and regulations; and
 - (b) Perform all functions inherent in such an organization.
- (2) Only major political parties may designate candidates to appear on the state primary ballot as provided in section 191 of this act.

NEW SECTION. Sec. 184. A new section is added to chapter 29A.84 RCW to read as follows:

The following apply to persons signing nominating petitions prescribed by section 114 of this act:
(1) A person who signs a petition with any other than his or her name shall be guilty of a misdemeanor.

(2) A person shall be guilty of a misdemeanor if the person knowingly: Signs more than one petition for any single candidacy of any single candidate; signs the petition when he or she is not a legal voter; or makes a false statement as to his or her residence.

NEW SECTION. Sec. 185. A new section is added to chapter 29A.84 RCW to read as follows:

Every person who:

- (1) Knowingly provides false information on his or her declaration of candidacy or petition of nomination; or
- (2) Conceals or fraudulently defaces or destroys a certificate that has been filed with an elections officer under chapter 29A.20 RCW or a declaration of candidacy or petition of nomination that has been filed with an elections officer, or any part of such a certificate, declaration, or petition, is guilty of a class C felony punishable under RCW 9A.20.021.

NEW SECTION. Sec. 186. A new section is added to chapter 29A.84 RCW to read as follows:

Every person who:

- (1) Knowingly and falsely issues a certificate of nomination or election; or
- (2) Knowingly provides false information on a certificate which must be filed with an elections officer under chapter 29A.20 RCW, is guilty of a class C felony punishable under RCW 9A.20.021.

NEW SECTION. Sec. 187. A new section is added to chapter 29A.04 RCW to read as follows:

"September primary" means the primary election held in September to nominate candidates to be voted for at the ensuing election.

NEW SECTION. Sec. 188. A new section is added to chapter 29A.20 RCW to read as follows:

A "convention" for the purposes of this chapter, is an organized assemblage of registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle. As used in this chapter, the term "election jurisdiction" shall mean the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. This term shall include county commissioner districts or council districts for members of a county legislative authority, counties for county

officials who are nominated and elected on a county-wide basis, legislative districts for members of the legislature, congressional districts for members of Congress, and the state for president and vice president, members of the United States senate, and state officials who are elected on a statewide basis.

NEW SECTION. Sec. 189. A new section is added to chapter 29A.20 RCW to read as follows:

Each minor party or independent candidate must publish a notice in a newspaper of general circulation within the county in which the party or the candidate intends to hold a convention. The notice must appear at least ten days before the convention is to be held, and shall state the date, time, and place of the convention. Additionally, it shall include the mailing address of the person or organization sponsoring the convention.

NEW SECTION. Sec. 190. A new section is added to chapter 29A.24 RCW to read as follows:

If after both the normal filing period and special three day filing period as provided by sections 165 and 166 of this act have passed, no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until a successor is elected at the next election when such positions are voted upon.

NEW SECTION. Sec. 191. A new section is added to chapter 29A.28 RCW to read as follows:

If a place on the ticket of a major political party is vacant because no person has filed for nomination as the candidate of that major political party, after the last day allowed for candidates to withdraw as provided by section 115 of this act, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy. If the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy. The certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which the person is nominated, and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy.

NEW SECTION. Sec. 192. A new section is added to chapter 29A.28 RCW to read as follows:

A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or statewide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

If the vacancy occurs no later than the sixth Tuesday prior to the state primary or general election concerned and the ballots have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

If the vacancy occurs after the sixth Tuesday prior to the state primary or general election and time does not exist in which to correct ballots (including absentee ballots), either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, the secretary shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy.

If the secretary of state has already sent forth the certificate when the appointment to fill a vacancy is filed, the secretary shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which the person is a candidate or nominee, the party the person represents, and all other pertinent facts pertaining to the vacancy.

NEW SECTION. Sec. 193. The following acts or parts of acts are each repealed:

- (1) RCW 29A.04.007 (Ballot and related terms) and 2003 c 111 s 102, 1994 c 57 s 2, 1990 c 59 s 2, & 1977 ex.s. c 361 s 1;
- (2) RCW 29A.04.085 (Major political party) and section 3 of this act, 2003 c 111 s 115, 1977 ex.s. c 329 s 9, & 1965 c 9 s 29.01.090;
- (3) RCW 29A.04.127 (Primary) and section 5 of this act & 2003 c 111 s 122;
- (4) RCW 29A.04.215 (County auditor--Duties--Exceptions) and 2003 c 111 s 134, 1987 c 295 s 1, 1977 ex.s. c 361 s 2, 1971 ex.s. c 202 s 1, 1965 c 123 s 1, & 1965 c 9 s 29.04.020;

(5) RCW 29A.04.310 (Primaries) and section 6 of this act, 2003 c 111 s 143, 1977 ex.s. c 361 s 29, 1965 ex.s. c 103 s 6, & 1965 c 9 s 29.13.070;

(6) RCW 29A.04.320 (State and local general elections--Statewide general election--Exceptions--Special county elections) and 2003 c 111 s 144, 1994 c 142 s 1, 1992 c 37 s 1, 1989 c 4 s 9 (Initiative Measure No. 99), 1980 c 3 s 1, 1975-'76 2nd ex.s. c 111 s 1, 1975-'76 2nd ex.s. c 3 s 1, 1973 2nd ex.s. c 36 s 1, 1973 c 4 s 1, 1965 c 123 s 2, & 1965 c 9 s 29.13.010;

(7) RCW 29A.04.610 (Rules by secretary of state) and 2003 c 111 s 161, 1971 ex.s. c 202 s 2, & 1965 c 9 s 29.04.080;

(8) RCW 29A.12.100 (Requirements of tallying systems for approval) and 2003 c 111 s 310;

(9) RCW 29A.20.020 (Qualifications for filing, appearance on ballot) and section 7 of this act, 2004 c ... (Senate Bill No. 6417) s 11, 2003 c 111 s 502, 1999 c 298 s 9, 1993 c 317 s 10, & 1991 c 178 s 1;

(10) RCW 29A.20.120 (Nomination by convention or write-in--Dates--Special filing period) and section 8 of this act & 2003 c 111 s 506;

(11) RCW 29A.20.140 (Convention--Requirements for validity) and section 9 of this act & 2003 c 111 s 508;

(12) RCW 29A.20.150 (Nominating petition--Requirements) and section 10 of this act & 2003 c 111 s 509;

(13) RCW 29A.20.160 (Certificate of nomination--Requisites) and section 11 of this act, 2003 c 111 s 510, 1989 c 215 s 4, 1977 ex.s. c 329 s 4, & 1965 c 9 s 29.24.040;

(14) RCW 29A.20.170 (Multiple certificates of nomination) and section 12 of this act & 2003 c 111 s 511;

(15) RCW 29A.20.180 (Presidential electors--Selection at convention) and section 13 of this act & 2003 c 111 s 512;

(16) RCW 29A.20.190 (Certificate of nomination--Checking signatures--Appeal of determination) and section 14 of this act & 2003 c 111 s 513;

(17) RCW 29A.24.030 (Declaration of candidacy) and section 15 of this act, 2003 c 111 s 603, 2002 c 140 s 1, & 1990 c 59 s 82.

(18) RCW 29A.24.080 (Declaration--Filing by mail) and section 17 of this act & 2003 c 111 s 608;

(19) RCW 29A.24.090 (Declaration--Fees and petitions) and section 18 of this act & 2003 c 111 s 609;

(20) RCW 29A.24.100 (Nominating petition--Form) and section 19 of this act, 2003 c 111 s 610, & 1984 c 142 s 5;

(21) RCW 29A.24.110 (Petitions--Rejection--Acceptance, canvass of signatures--Judicial review) and section 20 of this act & 2003 c 111 s 611;

(22) RCW 29A.24.130 (Withdrawal of candidacy) and 2003 c 111 s 613;

(23) RCW 29A.24.140 (Void in candidacy--Exception) and section 21 of this act & 2003 c 111 s 614;

(24) RCW 29A.24.150 (Notice of void in candidacy) and section 22 of this act & 2003 c 111 s 615;

(25) RCW 29A.24.160 (Filings to fill void in candidacy--How made) and section 23 of this act, 2003 c 111 s 616, & 1972 ex.s. c 61 s 6;

(26) RCW 29A.24.170 (Reopening of filing--Before sixth Tuesday before primary) and section 24 of this act & 2003 c 111 s 617;

(27) RCW 29A.24.180 (Reopening of filing--After sixth Tuesday before primary) and section 25 of this act & 2003 c 111 s 618;

(28) RCW 29A.24.190 (Scheduled election lapses, when) and section 26 of this act, 2003 c 111 s 619, 2002 c 108 s 1, 1975-'76 2nd ex.s. c 120 s 12, & 1972 ex.s. c 61 s 4;

(29) RCW 29A.24.310 (Write-in voting--Candidates, declaration) and section 27 of this act, 2003 c 111 s 622, 1999 c 157 s 1, 1995 c 158 s 1, 1990 c 59 s 100, & 1988 c 181 s 1;

(30) RCW 29A.28.040 (Congress--Special election) and section 29 of this act, 2003 c 111 s 704, 1990 c 59 s 105, 1985 c 45 s 4, 1973 2nd ex.s. c 36 s 3, & 1965 c 9 s 29.68.080;

(31) RCW 29A.28.060 (Congress--General, primary election laws to apply--Time deadlines, modifications) and section 30 of this act, 2003 c 111 s 706, 1985 c 45 s 7, & 1965 c 9 s 29.68.130;

(32) RCW 29A.28.070 (Precinct committee officer) and 2003 c 111 s 707;

(33) RCW 29A.32.030 (Contents) and section 31 of this act & 2003 c 111 s 803;

(34) RCW 29A.32.120 (Candidates' statements--Length) and section 32 of this act, 2004 c ... (Senate Bill No. 6417) s 12, 2003 c 254 s 6, 2003 c 111 s 812, & 1999 c 260 s 11;

(35) RCW 29A.32.240 (Contents) and 2003 c 111 s 816 & 1984 c 106 s 6;

(36) RCW 29A.36.010 (Certifying primary candidates) and section 33 of this act & 2003 c 111 s 901;

(37) RCW 29A.36.070 (Local measures--Ballot title--Formulation--Advertising) and section 34 of this act & 2003 c 111 s 907;

(38) RCW 29A.36.100 (Names on primary ballot) and section 35 of this act, 2003 c 111 s 910, & 1990 c 59 s 93;

(39) RCW 29A.36.110 (Uniformity, arrangement, contents required) and 2003 c 111 s 911;

(40) RCW 29A.36.120 (Order of offices and issues--Party indication) and 2003 c 111 s 912;

- (41) RCW 29A.36.130 (Order of candidates on ballots) and 2003 c 111 s 913;
- (42) RCW 29A.36.140 (Primaries--Rotating names of candidates) and 2003 c 111 s 914;
- (43) RCW 29A.36.150 (Sample ballots) and 2003 c 111 s 915;
- (44) RCW 29A.36.160 (Arrangement of instructions, measures, offices--Order of candidates--Numbering of ballots) and 2003 c 111 s 916, 1990 c 59 s 13, 1986 c 167 s 11, 1982 c 121 s 1, & 1977 ex.s. c 361 s 60;
- (45) RCW 29A.36.170 (Nonpartisan candidates qualified for general election) and section 36 of this act, 2004 c ... (Senate Bill No. 6518) s 1, & 2003 c 111 s 917;
- (46) RCW 29A.36.200 (Names qualified to appear on election ballot) and section 37 of this act & 2003 c 111 s 920;
- (47) RCW 29A.40.060 (Issuance of ballot and other materials) and 2003 c 111 s 1006, 2001 c 241 s 6, & 1991 c 81 s 31;
- (48) RCW 29A.40.090 (Envelopes and instructions) and 2003 c 111 s 1009;
- (49) RCW 29A.44.200 (Issuing ballot to voter--Challenge) and 2003 c 111 s 1119, 1990 c 59 s 40, & 1965 c 9 s 29.51.050;
- (50) RCW 29A.44.220 (Casting vote) and 2003 c 111 s 1121, 1990 c 59 s 43, 1988 c 181 s 4, 1965 ex.s. c 101 s 15, & 1965 c 9 s 29.51.100;
- (51) RCW 29A.44.230 (Record of participation) and 2003 c 111 s 1122;
- (52) RCW 29A.52.010 (Elections to fill unexpired term--No primary, when) and section 38 of this act & 2003 c 111 s 1301;
- (53) RCW 29A.52.110 (Application of chapter) and section 39 of this act & 2003 c 111 s 1302;
- (54) RCW 29A.52.120 (General election laws govern primaries) and 2003 c 111 s 1303;
- (55) RCW 29A.52.230 (Nonpartisan offices specified) and section 41 of this act & 2003 c 111 s 1307;
- (56) RCW 29A.52.310 (Notice of primary) and 2003 c 111 s 1309 & 1965 c 9 s 29.27.030;
- (57) RCW 29A.52.320 (Certification of nominees) and section 42 of this act & 2003 c 111 s 1310;
- (58) RCW 29A.52.350 (Election--Certification of measures) and section 43 of this act, 2003 c 111 s 1313, 1999 c 4 s 1, 1984 c 106 s 12, 1980 c 35 s 8, & 1965 c 9 s 29.27.080;
- (59) RCW 29A.60.020 (Write-in voting--Declaration of candidacy--Counting of vote) and section 44 of this act & 2003 c 111 s 1502;
- (60) RCW 29A.60.220 (Tie in primary or final election) and section 45 of this act, 2003 c 111 s 1522, & 1965 c 9 s 29.62.080;
- (61) RCW 29A.64.010 (Application--Requirements--Application of chapter) and section 46 of this act, 2003 c 111 s 1601, 2001 c 225 s 3, 1987 c 54 s 3, 1977 ex.s. c 361 s 98, & 1965 c 9 s 29.64.010;
- (62) RCW 29A.64.020 (Mandatory) and section 47 of this act & 2003 c 111 s 1602;
- (63) RCW 29A.64.040 (Procedure--Observers--Request to stop) and section 48 of this act & 2003 c 111 s 1604;
- (64) RCW 29A.64.060 (Amended abstracts) and section 49 of this act & 2003 c 111 s 1606;
- (65) RCW 29A.64.080 (Expenses--Charges) and section 50 of this act & 2003 c 111 s 1608;
- (66) RCW 29A.68.010 (Prevention and correction of election frauds and errors) and section 51 of this act & 2003 c 111 s 1701;
- (67) RCW 29A.80.010 (Authority--Generally) and section 52 of this act, 2003 c 111 s 2001, 1977 ex.s. c 329 s 16, & 1965 c 9 s 29.42.010;
- (68) RCW 29A.80.040 (Precinct committee officer, eligibility) and 2003 c 111 s 2004;
- (69) RCW 29A.80.050 (Precinct committee officer--Election--Declaration of candidacy, fee--Term) and 2003 c 111 s 2005, 1991 c 363 s 34, 1987 c 295 s 14, 1973 c 4 s 7, 1967 ex.s. c 32 s 2, 1965 ex.s. c 103 s 3, & 1965 c 9 s 29.42.050;
- (70) RCW 29A.80.060 (Legislative district chair--Election--Term--Removal) and 2003 c 111 s 2006, 1991 c 363 s 35, 1987 c 295 s 15, & 1967 ex.s. c 32 s 1;
- (71) RCW 29A.84.260 (Petitions--Improperly signing) and section 53 of this act & 2003 c 111 s 2114;
- (72) RCW 29A.84.310 (Candidacy declarations, nominating petitions) and section 54 of this act & 2003 c 111 s 2117;
- (73) RCW 29A.84.710 (Documents regarding nomination, election, candidacy--Frauds and falsehoods) and section 55 of this act, 2003 c 111 s 2137, 1991 c 81 s 8, & 1965 c 9 s 29.85.100;
- (74) Section 1 of this act;
- (75) Section 2 of this act;
- (76) Section 4 of this act;
- (77) Section 28 of this act; and
- (78) Section 40 of this act.

PART 3 - MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 201.** Sections 102 through 193 of this act take effect the June 1st following the secretary of state issuing a notification that no qualifying primary may be held in this state.

NEW SECTION. **Sec. 202.** The code reviser shall correct any internal references accordingly if sections 102 through 193 of this act take effect.

NEW SECTION. **Sec. 203.** Part headings used in this act are not any part of the law."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 42, line 32, after "**Sec. 60.**" strike "This" and insert "Except for sections 102 through 193 of this act, this"

Representatives Armstrong and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendments (1178) and (1181) were withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Haigh, Armstrong, Benson, Hatfield and Miloscia spoke in favor of passage of the bill.

Representatives McIntire, Dunshee, Cody and Conway spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6453, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6453, as amended by the House, and the bill passed the House by the following vote: Yeas - 51, Nays - 46, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Campbell, Chandler, Clements, Clibborn, Condotta, Cox, DeBolt, Delvin, Eickmeyer, Grant, Haigh, Hatfield, Hunter, Jarrett, Kessler, Kirby, Lantz, Lovick, Mastin, McDonald, Miloscia, Moeller, Morris, Newhouse, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sullivan, Sump, Tom, Upthegrove, Wallace, Wood and Woods - 51.

Voting nay: Representatives Boldt, Cairnes, Carrell, Chase, Cody, Conway, Cooper, Crouse, Darneille, Dickerson, Dunshee, Ericksen, Flannigan, Fromhold, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Kagi, Kenney, Kristiansen, Linville, McCoy, McDermott, McIntire, McMahan, McMorris, Mielke, Morrell, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Romero, Santos, Schindler, D. Simpson, G. Simpson, Sommers, Talcott, Voloria and Mr. Speaker - 46.

Excused: Representative Edwards - 1.

ENGROSSED SENATE BILL NO. 6453, as amended by the House, having received the necessary constitutional majority, was declared bill.

There being no objection, the bills on the second reading calendar were returned to the Rules Committee with the exception of the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4418,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112,
ENGROSSED SENATE BILL NO. 6737,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418,

There being no objection, the Rules Committee was relieved of the following bills which were placed on the second recording calendar:

HOUSE BILL NO. 2295,
HOUSE BILL NO. 2554,
HOUSE BILL NO. 3188,
HOUSE BILL NO. 3204,
HOUSE CONCURRENT RESOLUTION NO. 4419,
SENATE BILL NO. 5034,
SUBSTITUTE SENATE BILL NO. 6240,
ENGROSSED SENATE BILL NO. 6290,
ENGROSSED SENATE BILL NO. 6411,

There being no objection, the Committee on Agriculture & Natural Resources was relieved of SUBSTITUTE SENATE BILL NO. 6415, and the bill was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., March 9, 2004, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

JOURNAL OF THE HOUSE

FIFTY SEVENTH DAY, MARCH 8, 2004

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 9, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jody Hanson and Joshua Villanueva. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anna Joy Grace, Unity Church of Olympia.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4714, By Representative Quall

- WHEREAS, Every April, the tulips are in bloom, celebrating the beginning of spring; and
WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number one producer of tulip bulbs in North America; and
WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Northwest Washington; and
WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and
WHEREAS, This year's 21st annual festival will run from April 1 through 13, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and
WHEREAS, Visitors will be greeted by more than 750 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and
WHEREAS, This year's Tulip Festival ambassadors will ably and personably perform their responsibilities as representatives of this festival; and
WHEREAS, Highlights of the event include the Kiwanis Club's 16th Annual Salmon Barbeque, the 24th Annual Tulip Pedal bike ride, the Anacortes Quilt Walk, the Downtown Mount Vernon Street Fair, and much more;
NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and
BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Skagit Valley Tulip Festival Executive Director Cindy Verge and the Tulip Festival Ambassadors.

HOUSE RESOLUTION NO. 4714 was adopted.

HOUSE RESOLUTION NO. 2004-4715, By Representatives Cox and Schoesler

WHEREAS, On February 21st, 2004, the Othello Huskies won the WIAA Wrestling State Championship and earned the title of "AA" State Champions; and

WHEREAS, The Huskies finished the season with their third league title, with a 22-0 record the past two years and back-to-back State Dual Dream Championships; and

WHEREAS, The Team won four straight district titles, three straight regional titles, and had three top ten state finishes for the seniors; and

WHEREAS, The State Championship team of Ernest Guzman, Jorge Anguiano, Andy DeLeon, Freddie Flores, Conrad Garza, Jorge Perez, Josh Gomez, AJ DeLeon, JD Gomez, and Curt Davis distinguished themselves as high school athletes dedicated to teamwork, discipline, and achievement; and

WHEREAS, The Othello Huskies team captains Tony Cantu and Alex Torres, both seniors exhibiting a positive attitude toward hard work, persistence, and leading by example; and

WHEREAS, Team statisticians Danae Gonzales, Amy Martinez, Melinda Martinez, Ashley Martinez, and Michelle Peralta provided much needed assistance to the coaches and the team members; and

WHEREAS, Community members, parents, faculty, and the Huskies Booster Club helped contribute to the success of the Othello Huskies by giving their whole-hearted support to the team members and the coaches, cheering them on to victory; and

WHEREAS, Coach Ruben Martinez should be applauded for not only his impressive coaching record, but his contribution to inspiring his players to victory, and leading the Huskies to two consecutive state championship titles; and

WHEREAS, Assistant Coaches Mark Kondo, Wayne Schutte, Danny Gonzales, Jeff Beauchamp, Josh Gonzalez, and Eleazar Garza share in the success due to their outstanding coaching and effort that went into developing the wrestling program to its current stature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the 2004 Othello Huskies State Wrestling Champions and coaching staff; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk to the Othello Huskies Principal William Duncanson, Athletic Director Pete Patitucci, Coach Martinez, Assistant Coaches Kondo, Schutte, D. Gonzales, Beauchamp, J. Gonzalez, and Garza, and each member of the 2004 Othello Huskies Championship Team.

HOUSE RESOLUTION NO. 4715 was adopted.

HOUSE RESOLUTION NO. 2004-4716, By Representative Dickerson

WHEREAS, The Washington State Legislature recognizes the many years of service provided by Frank A. Kirk, leader and community volunteer, who passed away February 27, 2004, after a 10-year bout with prostate cancer; and

WHEREAS, Over the past decade, Frank A. Kirk was a leader and advocate for prostate cancer prevention and awareness who lobbied the State and Federal Government for cancer research funding, bringing Washington State nearly a million dollars a year for Comprehensive Cancer Control, while convincing many of our own legislative members to be tested for prostate cancer; and

WHEREAS, Frank A. Kirk was a member of the National Cancer Institute Advisory Committee, and one of the founders of the National Prostate Cancer Coalition, serving as Vice President at the time of his death; and

WHEREAS, One of Frank A. Kirk's passions was urban development, and he dedicated himself to Seattle's "Friends of P-Patch" serving as a board member, Treasurer, Vice President, and President, often making weekly deliveries to local food banks; and

WHEREAS, A volunteer in many areas, Frank A. Kirk became active in nuclear weapons issues and served as Vice Chairman of the Nuclear Awareness Group, an organization against nuclear weapons production; and

WHEREAS, A lifelong Democrat, Frank A. Kirk's varied careers included teaching at Southern Illinois University, in Carbondale, Illinois during the 1960s, serving in the Navy, serving on the Carbondale City Council, acting as a consultant to the White House Office of Intergovernmental

Affairs during the Carter administration, and serving as Legislative Aide to Seattle City Councilman Jim Street; and

WHEREAS, Frank A. Kirk also served as Director of Local Government Affairs under Illinois Governor Dan Walker before moving to the Pacific Northwest in 1977; and

WHEREAS, A person who saw himself as a world citizen, Frank A. Kirk was committed to making this world a better place for everyone;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the service, devotion, and caring of Frank A. Kirk and extend its deepest condolences to his family and his many friends; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Frank A. Kirk.

HOUSE RESOLUTION NO. 4716 was adopted.

HOUSE RESOLUTION NO. 2004-4718, By Representative Chase

WHEREAS, Washington women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, Washington women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, Washington women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force; and

WHEREAS, Washington women were particularly important in establishing early charitable, philanthropic, and cultural institutions in our State; and

WHEREAS, Washington women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, Washington women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements; and

WHEREAS, Washington women include:

Mary Davenport Engberg, the first female symphony conductor in America. Engberg directed an 85-member symphony orchestra in Bellingham's Beck's Theater on December 14, 1914. She was a composer, teacher, and violin virtuoso.

Ella Higginson, the state's illustrious poet laureate, who was criticized by her older brother and her husband for her literary ambitions. She worked 16 hours a day on her poems. Her popular poems were set to music and sung by Emma Calve' and Enrico Caruso.

Mary Richardson Walker, one of the first white women to cross the Rockies in 1833. She was an amateur botanist, geologist, taxidermist, carpenter, and mother of eight. From one of her diaries: "Rose about five. Had an early breakfast. Got my housework done about nine. Baked six loaves of bread. Made a kettle of mush and now have suet pudding and beef boiling...I have managed to put my clothes away and set my house in order....Nine o'clock P.M. Was delivered of another son."

Kate Sadler, a beloved orator, who wrote: "Oh, Labor, Labor when will you know your strength?"

Christal Ountasket "Mourning Dove," an Okanogan Indian, who was the first Native American novelist. In 1927 she published *Cogewea, the Half Breed*. She was a migrant worker who lugged her typewriter from camp to camp.

Bertha Landes, who was, in 1926, the first female mayor of Seattle and the first female mayor of a major American city.

Nellie Centennial Cornish, who founded the Cornish School of Music and Art in 1914. The school was one of the first of its kind in the nation.

May Arkwright Hutton, a suffrage leader who worked tirelessly for equal rights and helped win the vote for women in Washington State in 1910. She was one of the first two women called for jury duty in Spokane County, and the first female delegate to the Democratic National Convention in 1912.

Thea Foss, who started out renting rowboats to fishermen. By the 1890s she was transporting logs by tugboat under the green and white flag of Foss Launch and Tug Company. Foss Maritime continues today.

Ruth Parton, a daredevil equestrian who invented the "Drunken Derby" in which the rider, on an unbridled horse stood in the saddle leaning way to one side during the ride. She was an inductee into the National Cowgirl Hall of Fame in Hereford, Texas.

Mary Perkins, one of the first female doctors in Washington State. She practiced until she was 79.

Catherine May Bedell, the first woman elected to Congress from the State of Washington. She served in the Washington State House of Representatives from 1952 to 1958. She was elected to Congress six times and served from 1959 until 1970.

WHEREAS, Despite these contributions, the role of Washington women in history has been consistently overlooked and undervalued, in the literature, teaching, and study of Washington history;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor March as "Women's History Month"; and

BE IT FURTHER RESOLVED, That members of the House of Representatives and the Senate be encouraged to distribute this resolution in their home communities and invite nominations of local women who are making history to be added to this honored list in future years.

HOUSE RESOLUTION NO. 4718 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2452, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 58.17.040 and 2002 c 44 s 1 are each amended to read as follows:

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- (3) Divisions made by testamentary provisions, or the laws of descent;
- (4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;
- (5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;
- (6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;
- (7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or

hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan; ~~((and))~~

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into less than three acres for the purpose of creating a site to be used solely for a consumer-owned or investor-owned electric utility facility, so long as a survey is recorded in accordance with chapter 58.09 RCW. For the purposes of this subsection, "electric utility facility" means an automated facility that does not require potable water or sewer service and is used for, in connection with, or to facilitate the transmission, distribution, sale, or furnishing of electricity, including electric power substations and switching stations. This subsection does not exempt a division of land from the zoning and permitting ordinances and regulations approved by the legislative body of a city, town, county, or municipal corporation, and does not apply to an electric utility facility intended for the primary purpose of extending electric service or facilities to an existing customer or customers of another electric utility without that utility's agreement."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 58.17.040."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2452 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2660, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.05.140 and 2003 c 220 s 2 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock ~~((or other device))~~ under RCW 46.20.720 ~~((for a petitioner who has previously been convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance or a petitioner who has been charged with such an offense and had an alcohol concentration of at least .15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration. For any other petitioner, the court may order the installation of an interlock device under RCW 46.20.720(1) as a condition of granting a deferred prosecution petition)).~~ The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(2) (a), (b), and (c). As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 2. RCW 46.20.311 and 2003 c 366 s 2 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock (~~(or other biological or technical device)~~), the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned ~~((and/or))~~ or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

~~((b))~~ (e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned ~~((and/or))~~ or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 3. RCW 46.20.3101 and 1998 c 213 s 2, 1998 c 209 s 2, and 1998 c 207 s 8 are each reenacted and amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. ~~((A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.))~~

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was in violation of RCW 46.61.502, 46.61.503, or 46.61.504:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this section for a suspension, revocation, or denial imposed under RCW 46.61.5055 arising out of the same incident.

Sec. 4. RCW 46.20.342 and 2001 c 325 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be a habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational or a temporary restricted driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.500, relating to reckless driving;

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xvii) An administrative action taken by the department under chapter 46.20 RCW; or

(xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

NEW SECTION. Sec. 5. A new section is added to chapter 46.20 RCW to read as follows:

No person may file an application for a temporary restricted driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of one hundred dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 6. RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are each reenacted and amended to read as follows:

(1)(a) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who ~~((has had his or her license suspended under RCW 46.20.3101(2)(a) or (3)(a)))~~ is authorized under RCW 46.20.3101(4), may submit to the department an application for ~~((an occupational))~~ a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is ~~((engaged in an occupation or trade that makes it essential that the petitioner operate a motor~~

~~vehicle)) eligible to receive the license, may issue ((an occupational)) a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, ((an occupational)) a temporary restricted driver's license that is effective during the first thirty days of any suspension or revocation imposed ((either)) for a violation of RCW 46.61.502 or 46.61.504 or ((under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department)), for a suspension, revocation, or denial imposed under RCW 46.20.3101, during the required minimum portion of the periods of suspension, revocation, or denial established under (c) of this subsection.~~

(b) An applicant under this subsection whose driver's license is suspended or revoked for an alcohol-related offense shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person.

(i) The department shall require the person to maintain such a device on a vehicle owned or operated by the person and shall restrict the person to operating only vehicles equipped with such a device, for the remainder of the period of suspension, revocation, or denial.

(ii) Subject to any periodic renewal requirements established by the department pursuant to this section and subject to any applicable compliance requirements under this chapter or other law, a temporary restricted driver's license granted after a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 (1) and (2) (a), (b), and (c).

(c) The department shall provide by rule the minimum portions of the periods of suspension, revocation, or denial set forth in RCW 46.20.3101 after which a person may apply for a temporary restricted driver's license under this section. In establishing the minimum portions of the periods of suspension, revocation, or denial, the department shall consider the requirements of federal law regarding state eligibility for grants or other funding, and shall establish such periods so as to ensure that the state will maintain its eligibility, or establish eligibility, to obtain incentive grants or any other federal funding.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license ((if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous).

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation ((but not more than two years)).

((d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection-

(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection-))

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

(a) ~~(Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and~~

~~(b))~~ Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed ~~(any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii))~~ vehicular homicide under RCW 46.61.520~~(;)~~ or ~~((iii))~~ vehicular assault under RCW 46.61.522; and

~~((e))~~ (b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle(~~(; except as allowed under subsection (2)(a) of this section)~~);

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

~~((d))~~ (c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 7. RCW 46.20.394 and 1999 c 272 s 2 are each amended to read as follows:

In issuing an occupational or a temporary restricted driver's license under RCW 46.20.391, the department shall describe the type of ~~((occupation permitted))~~ qualifying circumstances for the license and shall set forth in detail the specific hours of the day during which the person may drive to and from his ~~((place of work))~~ or her residence, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational or temporary restricted driver's license that meets the qualifying circumstance under RCW 46.20.391 ~~((2)(a)(iv))~~ (3)(b)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational or temporary restricted driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

Sec. 8. RCW 46.20.400 and 1967 c 32 s 33 are each amended to read as follows:

If an occupational or a temporary restricted driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's ~~((permit shall))~~ license may be issued to such person until he or she surrenders his or her occupational or

temporary restricted driver's license and his or her copy of the order, and the director is satisfied that ((he)) the person complies with all other provisions of law relative to the issuance of a driver's license.

Sec. 9. RCW 46.20.410 and 1967 c 32 s 34 are each amended to read as follows:

Any person convicted for violation of any restriction of an occupational or a temporary restricted driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

Sec. 10. RCW 46.20.720 and 2003 c 366 s 1 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical device))~~. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

~~(2)((a))~~ The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical))~~ device if the person is convicted of ~~((a))~~ an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance ~~((and it is:~~

~~(i) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration;~~

~~(ii) The person's second or subsequent conviction; or~~

~~(iii) The person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction)).~~

~~((b))~~ The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area. ~~((Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.~~

~~(3) In the case of a person under subsection (1) of this section, the court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section,))~~ The device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours.

The ignition interlock ((or other biological or technical)) device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more((, and)). The period of time of the restriction will be as follows:

~~(a) For a person ((i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW; and (ii))~~ who has not previously been restricted under this section, a period of one year;

~~(b) For a person who has previously been restricted under (a) of this subsection, a period of five years;~~

~~(c) For a person who has previously been restricted under (b) of this subsection, a period of ten years.~~

~~((For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.))~~

Sec. 11. RCW 46.20.740 and 2001 c 55 s 1 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with ~~((a))~~ a functioning ignition interlock ~~((or other biological or technical))~~ device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.

Sec. 12. RCW 46.61.5055 and 2003 c 103 s 1 are each amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~and~~

~~(iii) By a court ordered restriction under RCW 46.20.720)).~~

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; (~~and~~

~~(iii) By a court ordered restriction under RCW 46.20.720;)) or~~

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or

deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~;~~ and

~~(iii) By a court ordered restriction under RCW 46.20.720)).~~

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~;~~ and

~~(iii) By a court ordered restriction under RCW 46.20.720)); or~~

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~;~~ and

~~(iii) By a court ordered restriction under RCW 46.20.720)).~~

(4) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

(5) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

(6) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(7) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15~~((or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration))~~:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection (7), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(8) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(9)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include:

(i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock ~~((or other biological or technical))~~ device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) ~~((and))~~, (ii), or ~~((a)(i) and))~~ (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(10) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the

electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

(11) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

(12) For purposes of this section:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

Sec. 13. RCW 46.63.020 and 2003 c 33 s 4 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational or temporary restricted driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
 (24) RCW 46.48.175 relating to the transportation of dangerous articles;
 (25) RCW 46.52.010 relating to duty on striking an unattended car or other property;
 (26) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
 (27) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
 (28) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
 (29) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
 (30) RCW 46.55.035 relating to prohibited practices by tow truck operators;
 (31) RCW 46.61.015 relating to obedience to police officers, flaggers, or fire fighters;
 (32) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
 (33) RCW 46.61.022 relating to failure to stop and give identification to an officer;
 (34) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
 (35) RCW 46.61.500 relating to reckless driving;
 (36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
 (37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
 (39) RCW 46.61.522 relating to vehicular assault;
 (40) RCW 46.61.5249 relating to first degree negligent driving;
 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
 (42) RCW 46.61.530 relating to racing of vehicles on highways;
 (43) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
 (44) RCW 46.61.740 relating to theft of motor vehicle fuel;
 (45) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
 (46) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
 (47) Chapter 46.65 RCW relating to habitual traffic offenders;
 (48) RCW 46.68.010 relating to false statements made to obtain a refund;
 (49) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
 (50) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
 (51) RCW 46.72A.060 relating to limousine carrier insurance;
 (52) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
 (53) RCW 46.72A.080 relating to false advertising by a limousine carrier;
 (54) Chapter 46.80 RCW relating to motor vehicle wreckers;
 (55) Chapter 46.82 RCW relating to driver's training schools;
 (56) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
 (57) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 14. RCW 46.68.041 and 1998 c 212 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

Sec. 15. RCW 46.68.260 and 1998 c 212 s 2 are each amended to read as follows:

The impaired driving safety account is created in the custody of the state treasurer. All receipts from fees collected under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited according to RCW 46.68.041. Expenditures from this account may be used only to fund projects to reduce impaired driving and to provide funding to local governments for costs associated with enforcing laws relating to driving and boating while under the influence of intoxicating liquor or any drug. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation."

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 10.05.140, 46.20.311, 46.20.342, 46.20.394, 46.20.400, 46.20.410, 46.20.720, 46.20.740, 46.61.5055, 46.63.020, 46.68.041, and 46.68.260; reenacting and amending RCW 46.20.3101 and 46.20.391; and adding a new section to chapter 46.20 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2660 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2988, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(1) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

(2) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(3) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(4) The foster parent has advocated for services on behalf of the foster child;

(5) The foster parent has sought to adopt a foster child in the foster parent's care; or

(6) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman. The office of the family and children's ombudsman shall include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop procedures for responding to recommendations of the office of the family and children's ombudsman as a result of any and all complaints filed by foster parents under section 1 of this act.

NEW SECTION. Sec. 3. The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2004, from the general fund to the office of the family and children's ombudsman for the purposes of section 1 of this act."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; and making an appropriation."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2988 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6208 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House insisted on its position regarding Senate amendments to SUBSTITUTE SENATE BILL NO. 6208 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Representative Lovick presiding) appointed Representatives Romero, Upthegrove and Schindler as conferees on Substitute Senate Bill No. 6208.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2300, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 17.21.020 and 2002 c 122 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agricultural commodity" means any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Agricultural land" means land on which an agricultural commodity is produced or land that is in a government-recognized conservation reserve program. This definition does not apply to private gardens where agricultural commodities are produced for personal consumption.

(3) "Antimicrobial pesticide" means a pesticide that is used for the control of microbial pests, including but not limited to viruses, bacteria, algae, and protozoa, and is intended for use as a disinfectant or sanitizer.

(4) "Apparatus" means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized handsized household device used to apply any pesticide, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(5) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(6) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, ~~((or certified))~~ private applicator, limited private applicator, rancher private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA or the director as a restricted use pesticide.

(7) "Commercial pesticide applicator" means any person who engages in the business of applying pesticides to the land of another.

(8) "Commercial pesticide operator" means any employee of a commercial pesticide applicator who uses or supervises the use of any pesticide and who is required to be licensed under provisions of this chapter.

(9) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(10) "Department" means the Washington state department of agriculture.

(11) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(12) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(13) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by the applicator or the applicator's employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job

supervision and shall require that the certified applicator be physically present at the application site and that the person making the application be in voice and visual contact with the certified applicator at all times during the application. However, direct supervision for forest application does not require constant voice and visual contact when general use pesticides are applied using nonapparatus type equipment, the certified applicator is physically present and readily available in the immediate application area, and the certified applicator directly observes pesticide mixing and batching. Direct supervision of an aerial apparatus means the pilot of the aircraft must be appropriately certified.

(14) "Director" means the director of the department or a duly authorized representative.

(15) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(16) "EPA" means the United States environmental protection agency.

(17) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

(18) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(19) "Forest application" means the application of pesticides to agricultural land used to grow trees for the commercial production of wood or wood fiber for products such as dimensional lumber, shakes, plywood, poles, posts, pilings, particle board, hardboard, oriented strand board, pulp, paper, cardboard, or other similar products.

(20) "Fumigant" means any pesticide product or combination of products that is a vapor or gas or forms a vapor or gas on application and whose method of pesticidal action is through the gaseous state.

(21) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, and yeasts, except those on or in a living person or other animals.

(22) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(23) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed or other higher plant.

(24) "Immediate service call" means a landscape application to satisfy an emergency customer request for service, or a treatment to control a pest to landscape plants.

(25) "Insect" means any small invertebrate animal, in any life stage, whose adult form is segmented and which generally belongs to the class insecta, comprised of six-legged, usually winged forms, as, for example, beetles, bugs, bees, and flies. The term insect shall also apply to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(26) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect.

(27) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices, and contrivances, appurtenant to or situated on, fixed or mobile, including any used for transportation.

(28) "Landscape application" means an application of any EPA registered pesticide to any exterior landscape area around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by (~~certified~~) private applicators, limited private applicators, or rancher private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(29) "Limited private applicator" means a certified applicator who uses or is in direct supervision, as defined for private applicators in this section, of the use of any herbicide classified by the EPA or the director as a restricted use pesticide, for the sole purpose of controlling weeds on nonproduction agricultural land owned or rented by the applicator or the applicator's employer. Limited private applicators may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state and local regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A limited private applicator may apply restricted use herbicides to the types of land described in this subsection of another person if applied without compensation other than trading of personal services between the applicator and the other person. This license is only valid when making applications in counties of Washington located east of the crest of the Cascade mountains.

(30) "Limited production agricultural land" means land used to grow hay and grain crops that are consumed by the livestock on the farm where produced. No more than ten percent of the hay and grain crops grown on limited production agricultural land may be sold each crop year. Limited production agricultural land does not include aquatic sites.

(31) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

~~((30))~~ (32) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts. Nematodes may also be called nemas or eelworms.

~~((31))~~ (33) "Nonproduction agricultural land" means pastures, rangeland, fencerows, and areas around farm buildings but not aquatic sites.

(34) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

~~((32))~~ (35) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living person or other animal or in or on processed food or beverages or pharmaceuticals, which is normally considered to be a pest, or which the director may declare to be a pest.

~~((33))~~ (36) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant ~~(, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used)~~ as defined in RCW 15.58.030.

~~((34))~~ (37) "Pesticide advisory board" means the pesticide advisory board as provided for in this chapter.

~~((35))~~ (38) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

~~((36))~~ (39) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((37))~~ (40) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((38))~~ (41) "Rancher private applicator" means a certified applicator who uses or is in direct supervision, as defined for private applicators in this section, of the use of any herbicide or any rodenticide classified by the EPA or the director as a restricted use pesticide for the purpose of controlling weeds and pest animals on nonproduction agricultural land and limited production agricultural land owned or rented by the applicator or the applicator's employer. Rancher private applicators may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state and local regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A rancher private applicator may apply restricted use herbicides and rodenticides to the types of land described in this subsection of another person if applied without compensation other than trading of personal services between the applicator and the other person. This license is only valid when making applications in counties of Washington located east of the crest of the Cascade mountains.

(42) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county, but does not include property zoned as agricultural or agricultural homesites.

~~((39))~~ (43) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

~~((40))~~ (44) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

~~((41))~~ (45) "School facility" means any facility used for licensed day care center purposes or for the purposes of a public kindergarten or public elementary or secondary school. School facility includes the buildings or structures, playgrounds, landscape areas, athletic fields, school vehicles, or any other area of school property.

~~((42))~~ (46) "Snails or slugs" include all harmful mollusks.

~~((43))~~ (47) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((44))~~ (48) "Weed" means any plant which grows where it is not wanted.

Sec. 2. RCW 17.21.126 and 1997 c 242 s 14 are each amended to read as follows:

It (~~shall be~~) is unlawful for any person to act as a private (~~pesticide~~) applicator, limited private applicator, or rancher private applicator without first complying with requirements determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the pesticide applicator or other persons, for each specific pesticide use.

(1) Certification standards to determine the individual's competency with respect to the use and handling of the pesticide or class of pesticides for which the private (~~pesticide~~) applicator, limited private applicator, or rancher private applicator is certified shall be relative to hazards of the particular type of application, class of pesticides, or handling procedure. In determining these standards the director shall take into consideration standards of the EPA and is authorized to adopt these standards by rule.

(2) (~~Application for a private pesticide applicator license shall be accompanied by a fee of twenty-five dollars~~) Application for a private applicator or a limited private applicator license, or the renewal of such licenses under RCW 17.21.132(4), shall be accompanied by a fee of twenty-five dollars. Application for a rancher private applicator license, or renewal of such license under RCW 17.21.132(4), shall be accompanied by a fee of seventy-five dollars. Individuals with a valid certified applicator license, pest control consultant license, or dealer manager license who qualify in the appropriate statewide or agricultural license categories are exempt from the private applicator, limited private applicator, or rancher private applicator fee requirements. However, licensed public pesticide operators, otherwise exempted from the public pesticide operator license fee requirement, are not also exempted from the (~~private pesticide applicator~~) fee requirements under this subsection.

Sec. 3. RCW 17.21.128 and 1994 c 283 s 13 are each amended to read as follows:

(1) The director may renew any certification or license issued under authority of this chapter subject to the recertification standards identified in subsection (2) of this section or an examination requiring new knowledge that may be required to apply pesticides.

(2) Except as provided in subsection (3) of this section, all individuals licensed under this chapter shall meet the recertification standards identified in (a) or (b) of this subsection, every five years, in order to qualify for continuing licensure.

(a) Licensed pesticide applicators may qualify for continued licensure through accumulation of recertification credits.

(i) Private (~~pesticide~~) applicators shall accumulate a minimum of twenty department-approved credits every five years with no more than eight credits allowed per year;

(ii) Limited private applicators shall accumulate a minimum of eight department-approved credits every five years. All credits must be applicable to the control of weeds with at least one-half of the credits directly related to weed control and the remaining credits in topic areas indirectly related to weed control, such as the safe and legal use of pesticides;

(iii) Rancher private applicators shall accumulate a minimum of twelve department-approved credits every five years;

(iv) All other license types established under this chapter shall accumulate a minimum of forty department-approved credits every five years with no more than fifteen credits allowed per year.

(b) Certified pesticide applicators may qualify for continued licensure through meeting the examination requirements necessary to become licensed in those areas in which the licensee operates.

(3) At the termination of a licensee's five-year recertification period, the director may waive the requirements identified in subsection (2) of this section if the licensee can demonstrate that he or she is meeting comparable recertification standards through another state or jurisdiction or through a federal environmental protection agency approved government agency plan.

Sec. 4. RCW 17.21.132 and 1997 c 242 s 16 are each amended to read as follows:

Any person applying for a license or certification authorized under the provisions of this chapter shall file an application on a form prescribed by the director.

(1) The application shall state the license or certification and the classification(s) for which the applicant is applying and the method in which the pesticides are to be applied.

(2) For all classes of licenses except private applicator, limited private applicator, and rancher private applicator, all applicants shall be at least eighteen years of age on the date that the application is made. Applicants for a private (~~pesticide~~) applicator, limited private applicator, or rancher private applicator license shall be at least sixteen years of age on the date that the application is made.

(3) Application for a license to apply pesticides shall be accompanied by the required fee. No license may be issued until the required fee has been received by the department.

(4) Each classification of license issued under this chapter (~~shall~~) except the limited private applicator and the rancher private applicator expires annually on a date set by rule by the director. Limited and rancher private applicator licenses expire on the fifth December 31st after issuance. Renewal applications shall be filed on or before the applicable expiration date.

Sec. 5. RCW 17.21.140 and 1991 c 109 s 36 are each amended to read as follows:

(1) If the application for renewal of any license provided for in this chapter is not filed on or prior to the expiration date of the license under this chapter or as set by rule by the director, a penalty of twenty-five dollars for the commercial pesticide applicator's license and the rancher private applicator license, and a penalty equivalent to the license fee for any other license, shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license ~~((shall be))~~ is issued~~((: PROVIDED, That such))~~. However, the penalty ~~((shall))~~ does not apply if the applicant furnishes an affidavit certifying that he or she has not acted as a licensee subsequent to the expiration of the license.

(2) Any license for which a timely renewal application has been made, all other requirements have been met, and the proper fee paid, continues in full force and effect until the director notifies the applicant that the license has been renewed or the application has been denied.

Sec. 6. RCW 15.58.030 and 2003 c 212 s 1 are each amended to read as follows:

As used in this chapter the words and phrases defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(3) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(4) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying organism inspections include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspection, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.

(5) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(6) "Department" means the Washington state department of agriculture.

(7) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(8) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, or to destroy, control, repel or mitigate fungi, nematodes, or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(9) "Director" means the director of the department or a duly authorized representative.

(10) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(11) "EPA" means the United States environmental protection agency.

(12) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(13) "FIFRA" means the federal insecticide, fungicide, and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(14) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living persons or other animals.

(15) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(16) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.

(17) "Inert ingredient" means an ingredient which is not an active ingredient.

(18) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic. ~~((In the case of a spray adjuvant))~~ The ingredient statement ~~((need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named))~~ for a spray adjuvant must be consistent with the labeling requirements adopted by rule.

(19) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members

are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(20) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(21) "Inspection control number" means a number obtained from the department that is recorded on wood destroying organism inspection reports issued by a structural pest inspector in conjunction with the transfer, exchange, or refinancing of any structure.

(22) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide, device, or immediate container, and the outside container or wrapper of the retail package.

(23) "Labeling" means all labels and other written, printed, or graphic matter:

(a) Upon the pesticide, device, or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States departments of agriculture; interior; education; health and human services; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(24) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(25) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

(26) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(27) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, may also be called nemas or eelworms.

(28) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(29) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in a living person or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(30) "Pest control consultant" means any individual who sells or offers for sale at other than a licensed pesticide dealer outlet or location where they are employed, or who offers or supplies technical advice or makes recommendations to the user of:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(31) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant.

(32) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act.

(33) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

(34) "Pesticide dealer manager" means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(35) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental

or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(36) "Registrant" means the person registering any pesticide under the provisions of this chapter.

(37) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

(38) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

(39) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

(40) "Spray adjuvant" means any (~~wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own,~~) product intended to be used with (~~any other~~) a pesticide as an aid to the application or to the effect of the pesticide, and which is in a package or container separate from (~~that of~~) the pesticide (~~with which it is to be used~~). Spray adjuvant includes, but is not limited to, acidifiers, compatibility agents, crop oil concentrates, defoaming agents, drift control agents, modified vegetable oil concentrates, nonionic surfactants, organosilicone surfactants, stickers, and water conditioning agents. Spray adjuvant does not include products that are only intended to mark the location where a pesticide is applied.

(41) "Special local needs registration" means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

(42) "Structural pest inspector" means any individual who performs the service of conducting a complete wood destroying organism inspection or a specific wood destroying organism inspection.

(43) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(44) "Weed" means any plant which grows where not wanted.

(45) "Wood destroying organism" means insects or fungi that consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. Wood destroying organism includes, but is not limited to, carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi (wood rot).

(46) "Wood destroying organism inspection report" means any written document that reports or comments on the presence or absence of wood destroying organisms, their damage, and/or conducive conditions leading to the establishment of such organisms.

NEW SECTION. Sec. 7. This act takes effect January 1, 2005."

On page 1, line 1 of the title, after "pesticides;" strike the remainder of the title and insert "amending RCW 17.21.020, 17.21.126, 17.21.128, 17.21.132, 17.21.140, and 15.58.030; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2300 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Linville and Schoesler spoke in favor the passage of the bill.

MOTIONS

On motion of Representative Clements, Representative Campbell was excused. On motion of Representative Wallace, Representative Edwards, Flannigan, Kenney and Sullivan were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2300, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2300, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Edwards, Flannigan, Kenney and Sullivan - 5.

SUBSTITUTE HOUSE BILL NO. 2300, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2387, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that social stigmas surrounding mental illness have prevented patients buried in the state hospital cemeteries from being properly memorialized. From 1887 to 1953, the state buried many of the patients who died while in residence at the three state hospitals on hospital grounds. In order to honor these patients, the legislature intends that the state be allowed to release records necessary to appropriately mark their resting place.

Sec. 2. RCW 71.05.390 and 2000 c 94 s 9, 2000 c 75 s 6, and 2000 c 74 s 7 are each reenacted and amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (a) Employed by the facility; (b) who has medical responsibility for the patient's care; (c) who is a county designated mental health professional; (d) who is providing services under chapter 71.24 RCW; (e) who is employed by a state or local correctional facility where the person is confined; or (f) who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or

research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(6) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding

outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained."

On page 1, line 2 of the title, after "cemeteries;" strike the remainder of the title and insert "reenacting and amending RCW 71.05.390; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 2387 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Carrell and Cody spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2387, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2387, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Edwards, Flannigan, Kenney and Sullivan - 5.

HOUSE BILL NO. 2387, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2431, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to optimize the management of the recreational allocation of Dungeness crab in Washington state. To accomplish this task, it is necessary to accurately and efficiently quantify the total catch by recreational fishers for Dungeness crab using data from catch record cards. Therefore, an endorsement fee on the catch record card paid at the time of purchasing a recreational

fishing license will be required for Dungeness crab to specifically identify the recreational crab harvesting population. The endorsement fee will significantly improve the precision of the catch estimates by eliminating the current practice of sampling fishers who do not participate in the recreational crab fishery.

Sec. 2. RCW 77.32.430 and 2003 c 318 s 1 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be ((administered)) under rules adopted by the commission ((and issued at no charge for the)). There is no charge for an initial catch record card ((and ten dollars for)). Each subsequent or duplicate catch record card ((-A duplicate catch record {card}) costs ten dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than three dollars including any or all fees authorized under RCW 77.32.050.

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge ((as)) nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for two consecutive days.

~~((3))~~ (4) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

~~((4))~~ (5) The funds received from the sale of catch record cards and the Dungeness crab endorsement must be deposited into the wildlife fund. The funds received from the Dungeness crab endorsement may be used only for the sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries. Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management.

NEW SECTION. Sec. 3. After the completion of one season using the Dungeness crab endorsement fee for Puget Sound recreational Dungeness crab fisheries, the department of fish and wildlife shall evaluate the effectiveness of the endorsement fee as a method for improving the accuracy of catch estimates for the Puget Sound recreational Dungeness crab fishery. The department's report shall include how the method has affected their ability to more accurately estimate the pre-season allocation of the Puget Sound recreational Dungeness crab fishery and monitor in-season catch. The department shall report their findings to the appropriate committees of the legislature by May 15, 2006.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 15, 2004."

On page 1, line 1 of the title, after "endorsement;" strike the remainder of the title and insert "amending RCW 77.32.430; creating new sections; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2431 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Upthegrove and Buck spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2431, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2431, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Edwards, Flannigan, Kenney and Sullivan - 5.

SUBSTITUTE HOUSE BILL NO. 2431, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2489, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.09.020 and 1986 c 206 s 1 are each amended to read as follows:

~~((As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:~~

~~"Person" means any individual, firm, partnership, association, or corporation-~~

~~"Nonhighway vehicle" means any motorized vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off road vehicles, two, three, or four wheel vehicles, motorcycles, four wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind-~~

~~Nonhighway vehicle does not include:~~

~~(1) Any vehicle designed primarily for travel on, over, or in the water;~~

~~(2) Snowmobiles or any military vehicles; or~~

~~(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles-~~

~~"Off road vehicle" or "ORV" means any nonhighway vehicle when used for cross country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain-~~

~~"ORV use permit" means a permit issued for operation of an off road vehicle under this chapter-~~

~~"ORV trail" means a multiple use corridor designated and maintained for recreational travel by off road vehicles that is not normally suitable for travel by conventional two wheel drive vehicles and is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel-~~

~~"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for ORV use in accordance with rules adopted by the managing authority-~~

~~"ORV recreation facility" includes ORV trails and ORV use areas-~~

~~"Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof-~~

~~"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle-))~~

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the nonhighway and off-road vehicle activities advisory committee established in RCW 46.09.280.

(2) "Committee" means the interagency committee for outdoor recreation established in RCW 79A.25.110.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

(4) "Department" means the department of licensing.

~~((“Hunt” means any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.~~

~~“Nonhighway road” means any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.~~

~~“Highway,” for the purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state department of transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.~~

~~“Organized competitive event” means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.))~~

(5) “Highway,” for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

(6) “Motorized vehicle” means a vehicle that derives motive power from an internal combustion engine.

(7) “Nonhighway road” means any road owned or managed by a public agency or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.

(8) “Nonhighway road recreation facilities” means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

(9) “Nonhighway road recreational user” means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

(10) “Nonhighway vehicle” means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

(11) “Nonmotorized recreational facilities” means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

(12) “Nonmotorized recreational user” means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

(13) “Off-road vehicle” or “ORV” means any nonstreet licensed vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

(14) “Operator” means each person who operates, or is in physical control of, any nonhighway vehicle.

(15) “Organized competitive event” means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

(16) “ORV recreation facilities” include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

(17) “ORV recreational user” means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

(18) “ORV sport park” means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

(19) “ORV trail” means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

(20) “ORV use permit” means a permit issued for operation of an off-road vehicle under this chapter.

(21) “Owner” means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

(22) “Person” means any individual, firm, partnership, association, or corporation.

Sec. 2. RCW 46.09.110 and 1986 c 206 s 6 are each amended to read as follows:

The moneys collected by the department under this chapter shall be distributed from time to time but at least once a year in the following manner:

The department shall retain enough money to cover expenses incurred in the administration of this chapter: PROVIDED, That such retention shall never exceed eighteen percent of fees collected.

The remaining moneys shall be distributed for ORV recreation facilities by the interagency committee for outdoor recreation in accordance with RCW 46.09.170(~~(+)(d))~~ (2)(d)(ii)(A).

Sec. 3. RCW 46.09.130 and 1994 c 264 s 35 are each amended to read as follows:

No person may operate a nonhighway vehicle in such a way as to endanger human life. No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

Violation of this section is a gross misdemeanor.

Sec. 4. RCW 46.09.130 and 2003 c 53 s 233 are each amended to read as follows:

(1) No person may operate a nonhighway vehicle in such a way as to endanger human life.

(2) No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

(3) For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

(4) Violation of this section is a gross misdemeanor.

Sec. 5. RCW 46.09.170 and 2003 1st sp.s. c 26 s 920, 2003 1st sp.s. c 25 s 922, and 2003 c 361 s 407 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

~~((i) Forty)) (a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads(, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:~~

~~(A) Not more than five percent may be expended for information programs under this chapter;~~

~~(B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;~~

~~(C) Not more than twenty five percent may be expended for maintenance of nonhighway roads;~~

~~(D) Not more than fifty percent may be expended for nonhighway road recreation facilities;~~

~~(E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (e)(iv)(A) of this subsection);~~

((ii)) (b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway (roads and) road recreation facilities and the maintenance of nonhighway roads;

((iii)) (c) Two percent shall be credited to the (ORV) and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV (use areas and), nonmotorized, and nonhighway road recreation facilities; and

~~((iv) Fifty-four)) (d) Fifty-eight and one-half percent~~ (~~(, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110,)~~) shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities ~~((and nonhighway road recreation facilities; ORV user), and for education ((and), information((:)), and ((ORV))~~) law enforcement programs. During the fiscal year ending June 30, 2004, a portion of these funds may be appropriated to the department of natural resources to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, for the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses, and for other activities identified in this section. The funds under this subsection shall be expended in accordance with the following limitations, except that during the fiscal year ending June 30, 2004, funds appropriated to the committee from motor vehicle fuel tax revenues for the activities in ~~((e)(iv)(B) and (C))~~ (d)(ii) of this subsection shall be reduced by the amounts appropriated to the department of natural resources and the state parks and recreation commission as provided in this subsection:

~~((A)) (i) Not more than ((twenty)) thirty percent may be expended for ((ORV)) education, information, and law enforcement programs under this chapter;~~

~~((B) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;~~

~~(C) Not more than twenty percent may be expended for nonhighway road recreation facilities)) (ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:~~

~~(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;~~

~~(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and~~

~~(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;~~

~~(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.~~

~~((2)) (3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.~~

~~((3)) (4) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ((ORV)) NOVA account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection ((4)) (2) of this section.~~

Sec. 6. RCW 46.09.170 and 2003 1st sp.s. c 25 s 922 and 2003 c 361 s 407 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

~~((4) Forty)) (a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads~~ (~~(, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:~~

~~(A) Not more than five percent may be expended for information programs under this chapter;~~

~~(B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;~~

~~(C) Not more than twenty five percent may be expended for maintenance of nonhighway roads;~~

~~(D) Not more than fifty percent may be expended for nonhighway road recreation facilities;~~

~~(E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (e)(iv)(A) of this subsection));~~

~~((ii))~~ (b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway (roads and) road recreation facilities and the maintenance of nonhighway roads;

~~((iii))~~ (c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV ~~(use areas and), nonmotorized, and nonhighway road recreation facilities;~~ and

~~((iv) Fifty four)~~ (d) Fifty-eight and one-half percent~~(together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110,)~~ shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities ~~(and nonhighway road recreation facilities; ORV user)~~ and for education ~~(and), information(;), and (ORV)~~ law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

~~((A))~~ (i) Not more than ~~(twenty)~~ thirty percent may be expended for ~~(ORV)~~ education, information, and law enforcement programs under this chapter;

~~((B) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;~~

~~(C) Not more than twenty percent may be expended for nonhighway road recreation facilities)~~ (ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.

~~((2))~~ (3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

~~((3))~~ (4) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ~~(ORV)~~ NOVA account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection ~~((4))~~ (2) of this section.

Sec. 7. RCW 46.09.240 and 1998 c 144 s 1 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, nonprofit ORV organizations, and Indian tribes. Funds distributed under this section to nonprofit ORV organizations may be spent only on projects or activities that benefit ORV recreation on lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

(2) The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

~~((2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:~~

~~(a) In the newspaper of general circulation published nearest the proposed project;~~

~~(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and~~

~~(c) If the proposed project is located in a county with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that has a population of forty thousand or more.~~

~~(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development~~

funds under the off road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.)

(3) The interagency committee for outdoor recreation shall require each applicant for acquisition or development funds under this section to comply with the requirements of either the state environmental policy act, chapter 43.21C RCW, or the national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

Sec. 8. RCW 46.09.280 and 2003 c 185 s 1 are each amended to read as follows:

(1) The interagency committee for outdoor recreation shall establish the nonhighway and off-road vehicle activities advisory committee to provide advice regarding the administration of this chapter. The ~~((nonhighway and off-road vehicle advisory))~~ committee consists of governmental representatives, land managers, and a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with ~~((off-road vehicle))~~ ORV, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience.

~~((Only representatives of organized ORV groups may be voting members of the committee with respect to))~~ (2) After the advisory committee has made recommendations regarding the expenditure of the fuel tax revenue portion of the nonhighway and off-road vehicle account moneys, the advisory committee's ORV and mountain biking recreationists, governmental representatives, and land managers will make recommendations regarding the expenditure of funds received under RCW 46.09.110.

(3) At least once a year, the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall report to the nonhighway and off-road vehicle activities advisory committee on the expenditures of funds received under RCW 46.09.110 and 46.09.170 and must proactively seek the advisory committee's advice regarding proposed expenditures.

(4) The advisory committee shall advise these agencies regarding the allocation of funds received under RCW 46.09.170 to ensure that overall expenditures reflect consideration of the results of the most recent fuel use study.

Sec. 9. RCW 46.09.050 and 1986 c 206 s 3 are each amended to read as follows:

ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

~~(3) ((An off road vehicle operating in an organized competitive event on privately owned or leased land: PROVIDED, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: PROVIDED FURTHER, That such exemption shall be strictly construed.~~

~~((4))~~ (4) Off-road vehicles operated on agricultural lands owned or leased by the ORV owner or operator ~~((or on lands which the operator has permission to operate without an ORV use permit)).~~

~~((5))~~ (4) Off-road vehicles owned by a resident of another state that have a valid ORV permit or vehicle license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.

~~((6))~~ (5) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

~~((7) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.~~

~~((8))~~ (6) Vehicles which are licensed pursuant to chapter 46.16 RCW or in the case of nonresidents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence.

NEW SECTION. Sec. 10. A new section is added to chapter 46.09 RCW to read as follows:

Except as provided in RCW 46.09.050, it is unlawful for any dealer to sell at retail an off-road vehicle without an ORV use permit required in RCW 46.09.040.

NEW SECTION. Sec. 11. (1) Section 3 of this act expires July 1, 2004.

(2) Section 4 of this act takes effect July 1, 2004.

(3) Section 5 of this act expires June 30, 2005.

(4) Section 6 of this act takes effect June 30, 2005."

On page 1, beginning on line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.09.020, 46.09.110, 46.09.130, 46.09.130, 46.09.240, 46.09.280, and 46.09.050; reenacting and amending RCW 46.09.170 and 46.09.170; adding a new section to chapter 46.09 RCW; providing effective dates; and providing expiration dates."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2489 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cooper and Condotta spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2489, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2489, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 77, Nays - 16, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Benson, Boldt, DeBolt, Delvin, Ericksen, Holmquist, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Nixon, Orcutt, Pearson and Roach - 16.

Excused: Representatives Campbell, Edwards, Flannigan, Kenney and Sullivan - 5.

SUBSTITUTE HOUSE BILL NO. 2489, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 2489.

JOHN AHERN, 6th District

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2519, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county with a population of ninety thousand or less may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) The tax proposition may be submitted at a general or special election.

(3) The tax may be imposed each year for six consecutive years when specifically authorized by the registered voters voting on the proposition, subject to the following:

(a) If the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in the taxing district at the last general election, the number of persons voting "yes" on the proposition shall constitute at least three-fifths of a number equal to forty percent of the total number of voters voting in the taxing district at the last general election.

(b) If the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in the taxing district at the last preceding general election, the number of persons voting "yes" on the proposition shall be at least three-fifths of the registered voters voting on the proposition.

(4) Ballot propositions shall conform with RCW 29A.36.210.

(5) Any tax imposed under this section shall be used exclusively for criminal justice purposes.

(6) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(7) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed pursuant to this section following the approval of the levy by the voters pursuant to subsection (3) of this section.

Sec. 2. RCW 29A.36.210 and 2003 c 111 s 921 are each amended to read as follows:

(1) The ballot proposition authorizing a taxing district to impose the regular property tax levies authorized in RCW 36.69.145, 67.38.130, ~~((e))~~ 84.52.069, or section 1 of this act shall contain in substance the following:

"Shall the (insert the name of the taxing district) be authorized to impose regular property tax levies of (insert the maximum rate) or less per thousand dollars of assessed valuation for each of (insert the maximum number of years allowable) consecutive years?

Yes

No

Each voter shall indicate either "Yes" or "No" on his or her ballot in accordance with the procedures established under this title.

(2) The ballot proposition authorizing a taxing district to impose a permanent regular tax levy under RCW 84.52.069 shall contain the following:

"Shall the (insert the name of the taxing district) be authorized to impose a PERMANENT regular property levy of (insert the maximum rate) or less per thousand dollars of assessed valuation?

Yes

No

Sec. 3. RCW 84.52.010 and 2003 c 83 s 310 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under section 1 of this act, RCW 36.54.130, 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) The levy imposed by a county under section 1 of this act must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((b))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((e))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents

per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((d))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

~~((In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.))~~

Sec. 4. RCW 84.52.043 and 2003 c 83 s 311 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; ~~((and))~~ (g) levies imposed by ferry districts under RCW 36.54.130; and (h) levies for criminal justice purposes under section 1 of this act.

NEW SECTION. Sec. 5. This act takes effect July 1, 2004."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 29A.36.210, 84.52.010, and 84.52.043; adding a new section to chapter 84.52 RCW; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 2519 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hatfield spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2519, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2519, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 87, Nays - 6, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Boldt, Hinkle, McMahan, Mielke, Orcutt and Roach - 6.

Excused: Representatives Campbell, Edwards, Flannigan, Kenney and Sullivan - 5.

HOUSE BILL NO. 2519, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650, with the following amendments:

On page 3, line 30, after "require" strike "nor preclude" and insert "or create"

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Linville and Sump spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2650, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2650, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Edwards, Flannigan, Kenney and Sullivan - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2727, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.19.035 and 2002 c 360 s 2 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Affiliate" has the same meaning as defined in RCW 48.31B.005(1).

(b) "Consumer" means an individual policyholder or applicant for insurance.

~~((b))~~ (c) "Credit history" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, or credit capacity that is used or expected to be used, or collected in whole or in part, for the purpose of serving as a factor in determining personal insurance premiums or eligibility for coverage.

~~((c))~~ (d) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit history.

~~((d))~~ (e) "Personal insurance" means:

(i) Private passenger automobile coverage;

(ii) Homeowner's coverage, including mobile homeowners, manufactured homeowners, condominium owners, and renter's coverage;

(iii) Dwelling property coverage;

(iv) Earthquake coverage for a residence or personal property;

(v) Personal liability and theft coverage;

(vi) Personal inland marine coverage; and

(vii) Mechanical breakdown coverage for personal auto or home appliances.

(2)(a) Credit history shall not be used to determine personal insurance rates, premiums, or eligibility for coverage unless the insurance scoring models are filed with the commissioner. Insurance scoring models include all attributes and factors used in the calculation of an insurance score. RCW 48.19.040(5) does not apply to any information filed under this subsection, and the information shall be withheld from public inspection and kept confidential by the commissioner. All information filed under this subsection shall be considered trade secrets under RCW 48.02.120(3). Information filed under this subsection may be made public by the commissioner for the sole purpose of enforcement actions taken by the commissioner.

(b) Each insurer that uses credit history or an insurance score to determine personal insurance rates, premiums, or eligibility for coverage must file all rates and rating plans for that line of coverage with the commissioner. This requirement applies equally to a single insurer and two or more affiliated insurers. RCW

48.19.040(5) applies to information filed under this subsection except that any eligibility rules or guidelines shall be withheld from public inspection under RCW 48.02.120(3) from the date that the information is filed and after it becomes effective.

(3) Insurers shall not use the following types of credit history to calculate a personal insurance score or determine personal insurance premiums or rates:

(a) The absence of credit history or the inability to determine the consumer's credit history, unless the insurer has filed actuarial data segmented by demographic factors in a manner prescribed by the commissioner that demonstrates compliance with RCW 48.19.020;

(b) The number of credit inquiries;

(c) Credit history or an insurance score based on collection accounts identified with a medical industry code;

(d) The initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history, if evident from the consumer report; however, an insurer may consider the bill payment history of any loan, the total number of loans, or both;

(e) The consumer's use of a particular type of credit card, charge card, or debit card; or

(f) The consumer's total available line of credit; however, an insurer may consider the total amount of outstanding debt in relation to the total available line of credit.

(4) If a consumer is charged higher premiums due to disputed credit history, the insurer shall redate the policy retroactive to the effective date of the current policy term. As rerated, the consumer shall be charged the same premiums they would have been charged if accurate credit history was used to calculate an insurance score. This subsection applies only if the consumer resolves the dispute under the process set forth in the fair credit reporting act and notifies the insurer in writing that the dispute has been resolved.

(5) The commissioner may adopt rules to implement this section.

(6) This section applies to all personal insurance policies issued or renewed on or after June 30, 2003."

On page 1, line 2 of the title, after "plans;" strike the remainder of the title and insert "and amending RCW 48.19.035."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 2727 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives D. Simpson and Benson spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2727, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2727, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Campbell, Edwards, Flannigan and Sullivan - 4.

HOUSE BILL NO. 2727, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2765, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that children who are deaf or hard of hearing and their families have unique needs specific to the hearing loss. These unique needs reflect the challenges children with hearing loss and their families encounter related to their lack of full access to auditory communication.

(2) The legislature further finds that early detection of hearing loss in a child and early intervention and treatment have been demonstrated to be highly effective in facilitating a child's healthy development in a manner consistent with the child's age and cognitive ability.

(3) These combined factors support the need for early intervention services providers with specialized training and expertise, spanning the spectrum of available approaches and educational options, who can address the unique characteristics and needs of each child who is deaf or hard of hearing and that child's family.

NEW SECTION. Sec. 2. (1) There is established an advisory council in the department of social and health services for the purpose of advancing the development of a comprehensive and effective statewide system to provide prompt and effective early interventions for children in the state who are deaf or hard of hearing and their families.

(2) Members of the advisory council shall have training, experience, or interest in hearing loss in children. Membership shall include, but not be limited to, the following: Pediatricians; audiologists; teachers of the deaf and hard of hearing; parents of children who are deaf or hard of hearing; a representative from the Washington state school for the deaf; and representatives of the infant toddler early intervention program in the department of social and health services, the department of health, and the office of the superintendent of public instruction.

NEW SECTION. Sec. 3. (1) The advisory council shall develop statewide standards for early intervention services and early intervention services providers specifically related to children who are deaf or hard of hearing.

(2) The advisory council shall develop these standards by January 1, 2005.

NEW SECTION. Sec. 4. (1) The advisory council shall create a pamphlet to be provided to the parents of a child in the state who is diagnosed with hearing loss by their child's pediatrician or audiologist, as appropriate, upon diagnosis of hearing loss. The pamphlet shall contain, at minimum, information on the following: The variety of interventions and treatments available for children who are deaf or hard of hearing; and resources for parent support, counseling, financing, and education related to hearing loss in children.

(2) The pamphlet shall be available for distribution by July 1, 2005.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "hearing;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 2765 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Boldt spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2765, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2765, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Campbell, Edwards, Flannigan and Sullivan - 4.

HOUSE BILL NO. 2765, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3045, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. By December 31, 2004, the board of natural resources shall exchange common school trust land, commonly known as the "Hat and Boots" parcel, adjoining the Duwamish training center branch of South Seattle Community College for land of equal value granted to the state for the support of charitable, educational, penal, and reformatory institutions. The state board for community and technical colleges shall pay one dollar per year to lease the exchanged property at the site commonly known as the "Hat and Boots" parcel once the exchange is completed by the board. Access to the training facilities established at the Duwamish training center branch of South Seattle Community College shall be afforded to apprenticeship programs without regard to union affiliation.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, beginning on line 1 of the title, after "lands;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 3045 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Dunshee spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 3045, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3045, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Flannigan - 3.

HOUSE BILL NO. 3045, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3081, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:
The legislature intends to establish a policy with the goal of ensuring that the health and well-being of both infants in foster care and the families providing for their care are protected.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:
(1) The department of health shall develop recommendations concerning evidence-based practices for testing for blood-borne pathogens of children under one year of age who have been placed in out-of-home care and shall identify the specific pathogens for which testing is recommended.
(2) The department shall report to the appropriate committees of the legislature on the recommendations developed in accordance with subsection (1) of this section by January 1, 2005.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:
(1) Upon any placement, the department of social and health services shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department.
(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.
(3) Any disclosure of information related to HIV must be in accordance with RCW 70.24.105.
(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and adding new sections to chapter 74.13 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 3081 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Boldt spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 3081, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3081, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Flannigan - 3.

SUBSTITUTE HOUSE BILL NO. 3081, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3083, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.060 and 1997 c 386 s 29 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

(b) A person convicted of a violation of subsection (4) of this section shall not be immune from liability under (a) of this subsection.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to RCW 26.44.056 shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

(4) A person who, intentionally and in bad faith or maliciously, knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

(5) A person who, in good faith and without gross negligence, cooperates in an investigation arising as a result of a report made pursuant to this chapter, shall not be subject to civil liability arising out of his or her cooperation. This subsection does not apply to a person who caused or allowed the child abuse or neglect to occur."

On page 1, line 2 of the title, after "neglect;" strike the remainder of the title and insert "and amending RCW 26.44.060."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 3083 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Boldt spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 3083, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3083, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Flannigan - 3.

SUBSTITUTE HOUSE BILL NO. 3083, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.04.324 and 1995 2nd sp.s. c 9 s 3 are each amended to read as follows:

(1) ~~((As used in this section:~~

(a) ~~"Blood" includes human whole blood, plasma, blood derivatives, and related products.~~

(b) ~~"Bone" includes human bone, bone marrow, and related products.~~

(c) ~~"Tissue" includes human musculoskeletal tissue, musculoskeletal tissue derivatives, and related products.~~

(d) ~~"Blood, bone, or tissue bank" means an organization exempt from federal income tax under section 501(c)(3) of the federal internal revenue code, organized solely for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.~~

(e) ~~"Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a blood, tissue, or bone bank for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:~~

(i) ~~Provide preparatory treatment of blood, bone, or tissue;~~

(ii) ~~Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and~~

(iii) ~~Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.~~

(f) ~~"Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.~~

(g) "Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(h) "Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(2)) This chapter does not apply to amounts received by a qualifying blood(~~(-bone, or)~~) bank, a qualifying tissue (~~(banks)~~) bank, or a qualifying blood and tissue bank to the extent the amounts are exempt from federal income tax.

(2) For the purposes of this section:

(a) "Qualifying blood bank" means a blood bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 607 as existing on the effective date of this section, and whose primary business purpose is the collection, preparation, and processing of blood. "Qualifying blood bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

(b) "Qualifying tissue bank" means a tissue bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 1271 as existing on the effective date of this section, and whose primary business purpose is the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, heart valve tissue, or human eye tissue. "Qualifying tissue bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

(c) "Qualifying blood and tissue bank" is a bank that qualifies as an exempt organization under 26 U.S.C. 501(c)(3) as existing on the effective date of this section, is registered pursuant to 21 C.F.R., part 607 and part 1271 as existing on the effective date of this section, and whose primary business purpose is the collection, preparation, and processing of blood, and the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, and heart valve tissue. "Qualifying blood and tissue bank" does not include a comprehensive cancer center that is recognized as such by the national cancer institute.

Sec. 2. RCW 82.08.02805 and 1995 2nd sp.s. c 9 s 4 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale of medical supplies, chemicals, or materials to a qualifying blood(~~(-bone, or)~~) bank, a qualifying tissue bank, or a qualifying blood and tissue bank. ~~((The definitions in RCW 82.04.324 apply to this section.))~~ The exemption in this section does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) For the purposes of this section, the following definitions apply:

(a) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a qualifying blood bank, a qualifying tissue bank, or a qualifying blood and tissue bank for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

(i) Provide preparatory treatment of blood, bone, or tissue;

(ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and

(iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(b) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(c) "Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(d) "Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(e) The definitions in RCW 82.04.324 apply to this section.

Sec. 3. RCW 82.12.02747 and 1995 2nd sp.s. c 9 s 5 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of medical supplies, chemicals, or materials by a qualifying blood(~~(-bone, or)~~) bank, a qualifying tissue bank, or a qualifying blood and tissue bank. ~~((The definitions in RCW 82.04.324 apply to this section.))~~ The exemption in this section does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) The definitions in RCW 82.04.324 and 82.08.02805 apply to this section.

Sec. 4. RCW 84.36.035 and 1995 2nd sp.s. c 9 s 1 are each amended to read as follows:

(1) The following property shall be exempt from taxation:

All property, whether real or personal, belonging to or leased by any nonprofit corporation or association and used exclusively in the business of a qualifying blood~~((-bone, or))~~ bank, a qualifying tissue bank ~~((as defined in RCW 82.04.324)), or a qualifying blood and tissue bank, or in the administration of ~~((such business))~~ these businesses. If the real or personal property is leased, the benefit of the exemption shall inure to the nonprofit corporation or association.~~

(2) The definitions in RCW 82.04.324 apply to this section."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "and amending RCW 82.04.324, 82.08.02805, 82.12.02747, and 84.36.035."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McIntire and Cairnes spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 3116, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3116, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Edwards and Flannigan - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3141, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" has the meaning provided in RCW 80.50.020 and includes an applicant for a permit for a fossil-fueled thermal electric generation facility subject to RCW 70.94.152 and section 2(1) (b) or (d) of this act.

(2) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(3) "Carbon credit" means a verified reduction in carbon dioxide or carbon dioxide equivalents that is registered with a state, national, or international trading authority or exchange that has been recognized by the council.

(4) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(5) "Cogeneration credit" means the carbon dioxide emissions that the council, department, or authority, as appropriate, estimates would be produced on an annual basis by a stand-alone industrial and commercial facility equivalent in operating characteristics and output to the industrial or commercial heating or cooling process component of the cogeneration plant.

(6) "Cogeneration plant" means a fossil-fueled thermal power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978.

(7) "Commercial operation" means the date that the first electricity produced by a facility is delivered for commercial sale to the power grid.

(8) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(9) "Department" means the department of ecology.

(10) "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material to produce heat for the generation of electricity.

(11) "Mitigation plan" means a proposal that includes the process or means to achieve carbon dioxide mitigation through use of mitigation projects or carbon credits.

(12) "Mitigation project" means one or more of the following:

(a) Projects or actions that are implemented by the certificate holder or order of approval holder, directly or through its agent, or by an independent qualified organization to mitigate the emission of carbon dioxide produced by the fossil-fueled thermal electric generation facility. This term includes but is not limited to the use of, energy efficiency measures, clean and efficient transportation measures, qualified alternative energy resources, demand side management of electricity consumption, and carbon sequestration programs;

(b) Direct application of combined heat and power (cogeneration);

(c) Verified carbon credits traded on a recognized trading authority or exchange; or

(d) Enforceable and permanent reductions in carbon dioxide or carbon dioxide equivalents through process change, equipment shutdown, or other activities under the control of the applicant and approved as part of a carbon dioxide mitigation plan.

(13) "Order of approval" means an order issued under RCW 70.94.152 with respect to a fossil-fueled thermal electric generation facility subject to section 2(1) (b) or (d) of this act.

(14) "Permanent" means that emission reductions used to offset emission increases are assured for the life of the corresponding increase, whether unlimited or limited in duration.

(15) "Qualified alternative energy resource" has the same meaning as in RCW 19.29A.090.

(16) "Station generating capability" means the maximum load a generator can sustain over a given period of time without exceeding design limits, and measured using maximum continuous electric generation capacity, less net auxiliary load, at average ambient temperature and barometric pressure.

(17) "Total carbon dioxide emissions" means:

(a) For a fossil-fueled thermal electric generation facility described under section 2(1) (a) and (b) of this act, the amount of carbon dioxide emitted over a thirty-year period based on the manufacturer's or designer's guaranteed total net station generating capability, new equipment heat rate, an assumed sixty percent capacity factor for facilities under the council's jurisdiction or sixty percent of the operational limitations on facilities subject to an order of approval, and taking into account any enforceable limitations on operational hours or fuel types and use; and

(b) For a fossil-fueled thermal electric generation facility described under section 2(1) (c) and (d) of this act, the amount of carbon dioxide emitted over a thirty-year period based on the proposed increase in the amount of electrical output of the facility that exceeds the station generation capability of the facility prior to the applicant applying for certification or an order of approval pursuant to section 2(1) (c) and (d) of this act, new equipment heat rate, an assumed sixty percent capacity factor for facilities under the council's jurisdiction or sixty percent of the operational limitations on facilities subject to an order of approval, and taking into account any enforceable limitations on operational hours or fuel types and use.

NEW SECTION. Sec. 2. (1) The provisions of this chapter apply to:

(a) New fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more and fossil-fueled floating thermal electric generation facilities of one hundred thousand kilowatts or more under RCW 80.50.020(14)(a), for which an application for site certification is made to the council after July 1, 2004;

(b) New fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled

floating thermal electric generation facilities under the council's jurisdiction, for which an application for an order of approval has been submitted after July 1, 2004;

(c) Fossil-fueled thermal electric generation facilities with station-generating capability of three hundred fifty thousand kilowatts or more that have an existing site certification agreement and, after July 1, 2004, apply to the council to increase the output of carbon dioxide emissions by fifteen percent or more through permanent changes in facility operations or modification or equipment; and

(d) Fossil-fueled thermal electric generation facilities with station-generating capability of more than twenty-five thousand kilowatts, but less than three hundred fifty thousand kilowatts, except for fossil-fueled floating thermal electric generation facilities under the council's jurisdiction, that have an existing order of approval and, after July 1, 2004, apply to the department or authority, as appropriate, to permanently modify the facility so as to increase its station-generating capability by at least twenty-five thousand kilowatts or to increase the output of carbon dioxide emissions by fifteen percent or more, whichever measure is greater.

(2)(a) A proposed site certification agreement submitted to the governor under RCW 80.50.100 and a final site certification agreement issued under RCW 80.50.100 shall include an approved carbon dioxide mitigation plan.

(b) For fossil-fueled thermal electric generation facilities not under jurisdiction of the council, the order of approval shall require an approved carbon dioxide mitigation plan.

(c) Site certification agreement holders or order of approval holders may request, at any time, a change in conditions of an approved carbon dioxide mitigation plan if the council, department, or authority, as appropriate, finds that the change meets all requirements and conditions for approval of such plans.

(3) An applicant for a fossil-fueled thermal electric generation facility shall include one or a combination of the following carbon dioxide mitigation options as part of its mitigation plan:

(a) Payment to a third party to provide mitigation;

(b) Direct purchase of permanent carbon credits; or

(c) Investment in applicant-controlled carbon dioxide mitigation projects, including combined heat and power (cogeneration).

(4) Fossil-fueled thermal electric generation facilities that receive site certification approval or an order of approval shall provide mitigation for twenty percent of the total carbon dioxide emissions produced by the facility.

(5) If the certificate holder or order of approval holder chooses to pay a third party to provide the mitigation, the mitigation rate shall be one dollar and sixty cents per metric ton of carbon dioxide to be mitigated. For a cogeneration plant, the monetary amount is based on the difference between twenty percent of the total carbon dioxide emissions and the cogeneration credit.

(a) Through rule making, the council may adjust the rate per ton biennially as long as any increase or decrease does not exceed fifty percent of the current rate. The department or authority shall use the adjusted rate established by the council pursuant to this subsection for fossil-fueled thermal electric generation facilities subject to the provisions of this chapter.

(b) In adjusting the mitigation rate the council shall consider, but is not limited to, the current market price of a ton of carbon dioxide. The council's adjusted mitigation rate shall be consistent with RCW 80.50.010(3).

(6) The applicant may choose to make to the third party a lump sum payment or partial payment over a period of five years.

(a) Under the lump sum payment option, the payment amount is determined by multiplying the total carbon dioxide emissions by the twenty percent mitigation requirement under subsection (4) of this section and by the per ton mitigation rate established under subsection (5) of this section.

(b) No later than one hundred twenty days after the start of commercial operation, the certificate holder or order of approval holder shall make a one-time payment to the independent qualified organization for the amount determined under subsection (5) of this section.

(c) As an alternative to a one-time payment, the certificate holder or order of approval holder may make a partial payment of twenty percent of the amount determined under subsection (5) of this section no later than one hundred twenty days after commercial operation and a payment in the same amount or as adjusted according to subsection (5)(a) of this section, on the anniversary date of the initial payment in each of the following four years. With the initial payment, the certificate holder or order of approval holder shall provide a letter of credit or other comparable security acceptable to the council or the department for the remaining eighty percent mitigation payment amount including possible changes to the rate per metric ton from rule making under subsection (5)(a) of this section.

NEW SECTION. Sec. 3. (1) Carbon dioxide mitigation plans relying on purchase of permanent carbon credits must meet the following criteria:

(a) Credits must derive from real, verified, permanent, and enforceable carbon dioxide or carbon dioxide equivalents emission mitigation not otherwise required by statute, regulation, or other legal requirements;

(b) The credits must be acquired after July 1, 2004; and

(c) The credits may not have been used for other carbon dioxide mitigation projects.

(2) Permanent carbon credits purchased for project mitigation shall not be resold unless approved by the council, department, or authority.

NEW SECTION. Sec. 4. (1) The carbon dioxide mitigation option that provides for direct investment shall be implemented through mitigation projects conducted directly by, or under the control of, the certificate holder or order of approval holder.

(2) Mitigation projects must be approved by the council, department, or authority, as appropriate, and made a condition of the proposed and final site certification agreement or order of approval. Direct investment mitigation projects shall be approved if the mitigation projects provide a reasonable certainty that the performance requirements of the mitigation projects will be achieved and the mitigation projects were implemented after July 1, 2004. No certificate holder or order of approval holder shall be required to make direct investments that would exceed the cost of making a lump sum payment to a third party, had the certificate holder or order of approval holder chosen that option under section 2 of this act.

(3) Mitigation projects must be fully in place within a reasonable time after the start of commercial operation. Failure to implement an approved mitigation plan is subject to enforcement under chapter 80.50 or 70.94 RCW.

(4) The certificate holder or order of approval holder may not use more than twenty percent of the total funds for the selection, monitoring, and evaluation of mitigation projects and the management and enforcement of contracts.

(5)(a) For facilities under the jurisdiction of the council, the implementation of a carbon dioxide mitigation project, other than purchase of a carbon credit shall be monitored by an independent entity for conformance with the performance requirements of the carbon dioxide mitigation plan. The independent entity shall make available the mitigation project monitoring results to the council.

(b) For facilities under the jurisdiction of the department or authority pursuant to section 2(1) (b) or (c) of this act, the implementation of a carbon dioxide mitigation project, other than a purchase of carbon dioxide equivalent emission reduction credits, shall be monitored by the department or authority issuing the order of approval.

(6) Upon promulgation of federal requirements for carbon dioxide mitigation for fossil-fueled thermal electric generation facilities, those requirements may be deemed by the council, department, or authority to be equivalent and a replacement for the requirements of this section.

NEW SECTION. Sec. 5. (1) The council shall maintain a list of independent qualified organizations with proven experience in emissions mitigation activities and a demonstrated ability to carry out their activities in an efficient, reliable, and cost-effective manner.

(2) An independent qualified organization shall not use more than twenty percent of the total funds for selection, monitoring, and evaluation of mitigation projects and the management and enforcement of contracts. None of these funds shall be used to lobby federal, state, and local agencies, their elected officials, officers, or employees.

(3) Before signing contracts to purchase offsets with funds from certificate holders or order of approval holders, an independent qualified organization must demonstrate to the council that the mitigation projects it proposes to use provides a reasonable certainty that the performance requirements of the carbon dioxide mitigation projects will be achieved.

(4) The independent qualified organization shall permit the council to appoint up to three persons to inspect plans, operation, and compliance activities of the organization and to audit financial records and performance measures for carbon dioxide mitigation projects using carbon dioxide mitigation money paid by certificate holders or order of approval holders under this chapter.

(5) An independent qualified organization must file biennial reports with the council, the department, or authority on the performance of carbon dioxide mitigation projects, including the amount of carbon dioxide reductions achieved and a statement of cost for the mitigation period.

NEW SECTION. Sec. 6. Reasonable and necessary costs incurred by the council in implementing and administering this chapter shall be assessed against applicants and holders of site certification agreements that are subject to the requirements of this chapter.

NEW SECTION. Sec. 7. The council, department, and authority shall adopt rules to carry out this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 70.94 RCW to read as follows:

(1) For fossil-fueled electric generation facilities having more than twenty-five thousand kilowatts station generating capability but less than three hundred fifty thousand kilowatts station generation capability, except for fossil-fueled floating thermal electric generation facilities under the jurisdiction of the energy facility site

evaluation council pursuant to RCW 80.50.010, the department or authority shall implement a carbon dioxide mitigation program consistent with the requirements of chapter 80.-- RCW (sections 1 through 7 of this act).

(2) For mitigation projects conducted directly by or under the control of the applicant, the department or local air authority shall approve or deny the mitigation plans, as part of its action to approve or deny an application submitted under RCW 70.94.152 based upon whether or not the mitigation plan is consistent with the requirements of chapter 80.-- RCW (sections 1 through 7 of this act).

(3) The department or authority may determine, assess, and collect fees sufficient to cover the costs to review and approve or deny the carbon dioxide mitigation plan components of an order of approval issued under RCW 70.94.152. The department or authority may also collect fees sufficient to cover its additional costs to monitor conformance with the carbon dioxide mitigation plan components of the registration and air operating permit programs authorized in RCW 70.94.151 and 70.94.161. The department or authority shall track its costs related to review, approval, and monitoring conformance with carbon dioxide mitigation plans.

NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act constitute a new chapter in Title 80 RCW."

On page 1, line 2 of the title, after "generation;" strike the remainder of the title and insert "adding a new section to chapter 70.94 RCW; and adding a new chapter to Title 80 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 3141 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morris and Crouse spoke in favor the passage of the bill.

Representative Delvin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 3141, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3141, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 69, Nays - 26, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Bailey, Benson, Blake, Boldt, Buck, Bush, Chase, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Armstrong, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Delvin, Ericksen, Hankins, Hinkle, Holmquist, Kristiansen, McMahan, McMorris, Mielke, Newhouse, Nixon, Orcutt, Pearson, Schindler, Schoesler, Skinner, Sump and Talcott - 26.

Excused: Representatives Campbell, Edwards and Flannigan - 3.

SUBSTITUTE HOUSE BILL NO. 3141, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3172, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.96.010 and 2000 c 184 s 1 are each amended to read as follows:

The legislature finds and declares that the issuance by state and local governments of bonds and other obligations involves exposure to changes in interest rates; that a number of financial instruments are available to lower the net cost of these borrowings, or to reduce the exposure of state and local governments to changes in interest rates; that these reduced costs for state and local governments will benefit taxpayers and ratepayers; and that the legislature desires to provide state and local governments with express statutory authority to take advantage of these instruments. In recognition of the complexity of these financial instruments, the legislature desires that this authority be subject to certain limitations(~~(, and be granted for a period of twelve years))~~).

Sec. 2. RCW 39.96.020 and 2003 c 47 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Financial advisor" means a financial services or financial advisory firm:

(a) With recognized knowledge and experience in connection with the negotiation and execution of payment agreements;

(b) That is acting solely as financial advisor to the governmental entity in connection with the execution of the payment agreement and the issuance or incurring of any related obligations, and not as a principal, placement agent, purchaser, underwriter, or other similar party, and that does not control, nor is it controlled by or under common control with, any such party;

(c) That is compensated for its services in connection with the execution of payment agreements, either directly or indirectly, solely by the governmental entity; and

(d) Whose compensation is not based on a percentage of the notional amount of the payment agreement or of the principal amount of any related obligations.

(2) "Governmental entity" means state government or local government.

(3) "Local government" means any city, county, city transportation authority, regional transit authority established under chapter 81.112 RCW, port district, public hospital district, or public utility district, or any joint operating agency formed under RCW 43.52.360, that has or will have outstanding obligations in an aggregate principal amount of at least one hundred million dollars as of the date a payment agreement is executed or is scheduled by its terms to commence or had at least one hundred million dollars in gross revenues during the preceding calendar year.

(4) "Obligations" means bonds, notes, bond anticipation notes, commercial paper, or other obligations for borrowed money, or lease, installment purchase, or other similar financing agreements or certificates of participation in such agreements.

(5) "Payment agreement" means a written agreement which provides for an exchange of payments based on interest rates, or for ceilings or floors on these payments, or an option on these payments, or any combination, entered into on either a current or forward basis.

(6) "State government" means (a) the state of Washington, acting by and through its state finance committee, (b) the Washington health care facilities authority, (c) the Washington higher education facilities authority, (d) the Washington state housing finance commission, or (e) the state finance committee upon adoption of a resolution approving a payment agreement on behalf of any state institution of higher education as defined under RCW 28B.10.016: PROVIDED, That such approval shall not constitute the pledge of the full faith and credit of the state, but a pledge of only those funds specified in the approved agreement.

NEW SECTION. Sec. 3. RCW 39.96.070 (Payment agreements not allowed after June 30, 2005--Exception) and 2000 c 184 s 3, 1998 c 245 s 35, 1995 c 192 s 2, & 1993 c 273 s 7 are each repealed."

On page 1, line 1 of the title, after "agreements;" strike the remainder of the title and insert "amending RCW 39.96.010 and 39.96.020; and repealing RCW 39.96.070."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 3172 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Dunshee spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 3172, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3172, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative McMahan - 1.

Excused: Representatives Campbell, Edwards and Flannigan - 3.

HOUSE BILL NO. 3172, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 3172.

LOIS MCMAHAN, 26th District

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2883, and the bill was placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 9, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5139,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5869,
SUBSTITUTE SENATE BILL NO. 6105,
SUBSTITUTE SENATE BILL NO. 6118,
SUBSTITUTE SENATE BILL NO. 6160,
SUBSTITUTE SENATE BILL NO. 6171,
SECOND SUBSTITUTE SENATE BILL NO. 6220,
SUBSTITUTE SENATE BILL NO. 6245,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274,
SUBSTITUTE SENATE BILL NO. 6286,
SECOND SUBSTITUTE SENATE BILL NO. 6304,
SUBSTITUTE SENATE BILL NO. 6329,
SENATE BILL NO. 6378,
SUBSTITUTE SENATE BILL NO. 6384,
SUBSTITUTE SENATE BILL NO. 6389,
SUBSTITUTE SENATE BILL NO. 6419,
SUBSTITUTE SENATE BILL NO. 6428,
SENATE BILL NO. 6480,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6481,
SUBSTITUTE SENATE BILL NO. 6641,
SUBSTITUTE SENATE BILL NO. 6649,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.85.020 and 1996 c 305 s 1 are each amended to read as follows:

(1) The board:

(a) Shall adopt by rule minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The board shall adopt the rules in accordance with chapter 34.05 RCW;

(b) May investigate any entity the board reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the board may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the board deems relevant or material to the investigation. The board, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) Shall develop an interagency agreement with the work force training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(d) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the board by degree-granting private vocational schools are not subject to public disclosure under chapter 42.17 RCW.

Sec. 2. RCW 28B.85.040 and 1996 c 97 s 1 are each amended to read as follows:

(1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) No exemption granted under this chapter is permanent. The board shall periodically review exempted degree-granting institutions, and continue exemptions only if an institution meets the statutory requirements for exemption in effect on the date of the review.

(3) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, community college, technical college, or institute operating as part of the public higher educational system of this state;

(b) Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter: PROVIDED, That those institutions meet minimum exemption standards adopted by the agency; and PROVIDED FURTHER, That an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption;

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications; ~~((or))~~

(d) Honorary credentials clearly designated as such on the front side of the diploma or certificate awarded by institutions offering other educational credentials in compliance with state law; or

~~(e) Institutions not otherwise exempt which offer only workshops or seminars ((lasting no longer than three calendar days and for which academic credit is not awarded)) and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.~~

Sec. 3. RCW 28B.119.010 and 2003 c 233 s 5 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The board at its discretion may allow the scholarship to be used for undergraduate education at Oregon and Idaho institutions, located in counties adjacent to the Washington border, in order to accommodate otherwise eligible students with special needs due to documented disabilities. The board may establish rules regarding acceptable documentation of disabilities and the special needs.

(8) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

~~((8))~~ (9) The scholarships may not be awarded to any student who is pursuing a degree in theology.

~~((9))~~ (10) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

~~((10))~~ (11) The higher education coordinating board shall establish the time frame within which the student must use the scholarship."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28B.85.020, 28B.85.040, and 28B.119.010."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381 and asked the Senate to recede therefrom.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6415, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Doumit, Hewitt, Hargrove, Honeyford, T. Sheldon, Hale, Murray and Stevens)

Concerning the conditioning of industrial and construction storm water general discharge permits.

The bill was read the second time.

Representative Linville moved the adoption of amendment (1180):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the federal permit program under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and the state water pollution control laws provide numerous environmental and public health benefits to the citizens of Washington and to the state. The legislature also finds that failure to prevent and control pollution discharges, including those associated with storm water runoff, can degrade water quality and damage the environment, public health, and industries dependent on clean water such as shellfish production.

(2) The legislature finds the nature of storm water presents unique challenges and difficulties in meeting the permitting requirements under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., including compliance with technology and water quality-based standards.

(3) The legislature finds that the federal clean water act, 33 U.S.C. Sec. 1251 et seq., requires certain larger construction sites and industrial facilities to obtain storm water permits under the national pollutant discharge elimination system permit program. The legislature also finds that under phase two of this program, smaller construction sites are also required to obtain storm water permits for their discharges.

(4) The legislature finds the department of ecology has been using general permits to permit categories of similar dischargers, including storm water associated with industrial and construction activities. The legislature also finds general permits must comply with all applicable requirements of the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and the state water pollution control act including technology and water quality-based permitting requirements. The legislature further finds general permits may not always be the best solution for an individual discharger, especially when establishing water quality-based permitting requirements.

(5) The legislature finds that where sources within a specific category or subcategory of dischargers are subject to water quality-based limits imposed under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., the sources in that specific category or subcategory must be subject to the same water quality-based limits.

(6) For this reason, the legislature encourages, to the extent allowed under existing state and federal law, an adaptive management approach to permitting storm water discharges.

(7) The legislature finds that storm water management must satisfy state and federal water quality requirements while also providing for flexibility in meeting such requirement to help ensure cost-effective storm water management.

(8) The legislature finds that the permitting of new and existing dischargers into waters listed under 33 U.S.C. Sec. 1313(d) (section 303(d) of the federal clean water act) presents specific challenges and is subject to additional permitting restrictions under the federal clean water act, 33 U.S.C. Sec. 1251 et seq.

(9) The legislature declares that general permits can be an effective and efficient permitting mechanism for permitting large numbers of similar dischargers.

(10) The legislature declares that an inspection and technical assistance program for industrial and construction storm water general permits is needed to ensure an effective permitting program. The legislature also declares that such a program should be fully funded to ensure its success.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(1) Effluent limitations shall be included in construction and industrial storm water general permits as required under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and its implementing regulations. In accordance with federal clean water act requirements, pollutant specific, water quality-based effluent limitations shall be included in construction and industrial storm water general permits if there is a reasonable potential to cause or contribute to an excursion of a state water quality standard.

(2) Subject to the provisions of this section, both technology and water quality-based effluent limitations may be expressed as:

- (a) Numeric effluent limitations;
 - (b) Narrative effluent limitations; or
 - (c) A combination of numeric and narrative effluent discharge limitations.
- (3) The department must condition storm water general permits for industrial and construction activities issued under the national pollutant discharge elimination system of the federal clean water act to require compliance with numeric effluent discharge limits when such discharges are subject to:
- (a) Numeric effluent limitations established in federally adopted, industry-specific effluent guidelines;
 - (b) State developed, industry-specific performance-based numeric effluent limitations;
 - (c) Numeric effluent limitations based on a completed total maximum daily load analysis or other pollution control measures; or
 - (d) A determination by the department that:
 - (i) The discharges covered under either the construction or industrial storm water general permits have a reasonable potential to cause or contribute to violation of state water quality standards; and
 - (ii) Effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards.
- (4) In making a determination under subsection (3)(d) of this section, the department shall use procedures that account for:
- (a) Existing controls on point and nonpoint sources of pollution;
 - (b) The variability of the pollutant or pollutant parameter in the storm water discharge; and
 - (c) As appropriate, the dilution of the storm water in the receiving waters.
- (5) Narrative effluent limitations requiring both the implementation of best management practices, when designed to satisfy the technology and water quality-based requirements of the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and compliance with water quality standards, shall be used for construction and industrial storm water general permits, unless the provisions of subsection (3) of this section apply.
- (6) Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is:
- (a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and
 - (b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.
 - (ii) For the purposes of this section, "demonstrably equivalent" means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:
 - (A) The method and reasons for choosing the storm water best management practices selected;
 - (B) The pollutant removal performance expected from the practices selected;
 - (C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;
 - (D) An assessment of how the selected practices will comply with state water quality standards; and
 - (E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.
- (7)(a) The department shall modify the industrial storm water general permit to require compliance by May 1, 2009, with appropriately derived numeric water quality-based effluent limitations for existing discharges to water bodies listed as impaired according to 33 U.S.C. Sec. 1313(d) (Sec. 303(d) of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.).
- (b) No later than September 1, 2008, the department shall report to the appropriate committees of the legislature specifying how the numeric effluent limitation in (a) of this subsection would be implemented. The report shall identify the number of dischargers to impaired water bodies and provide an assessment of anticipated compliance with the numeric effluent limitation established by (a) of this subsection.
- (8)(a) Construction and industrial storm water general permits issued by the department shall include an enforceable adaptive management mechanism that includes appropriate monitoring, evaluation, and reporting. The adaptive management mechanism shall include elements designed to result in permit compliance and shall include, at a minimum, the following elements:
- (i) An adaptive management indicator, such as monitoring benchmarks;
 - (ii) Monitoring;
 - (iii) Review and revisions to the storm water pollution prevention plan;
 - (iv) Documentation of remedial actions taken; and
 - (v) Reporting to the department.
- (b) Construction and industrial storm water general permits issued by the department also shall include the timing and mechanisms for implementation of treatment best management practices.

(9) Construction and industrial storm water discharges authorized under general permits must not cause or have the reasonable potential to cause or contribute to a violation of an applicable water quality standard. Where a discharge has already been authorized under a national pollutant discharge elimination system storm water permit and it is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the department may notify the permittee of such a violation.

(10) Once notified by the department of a determination of reasonable potential to cause or contribute to the violation of an applicable water quality standard, the permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document those actions in the storm water pollution prevention plan and a report timely submitted to the department. If violations remain or recur, coverage under the construction or industrial storm water general permits may be terminated by the department, and an alternative general permit or individual permit may be issued. Compliance with the requirements of this subsection does not preclude any enforcement activity provided by the federal clean water act, 33 U.S.C. Sec. 1251 et seq., for the underlying violation.

(11) Receiving water sampling shall not be a requirement of an industrial or construction storm water general permit except to the extent that it can be conducted without endangering the health and safety of persons conducting the sampling.

(12) The department may authorize mixing zones only in compliance with and after making determinations mandated by the procedural and substantive requirements of applicable laws and regulations.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(1) By January 1, 2005, the department shall initiate an inspection and compliance program for all permittees covered under the construction and industrial storm water general permits. The program shall include, but may not be limited to, the:

(a) Provision of compliance assistance and survey for evidence of permit violations and violations of water quality standards;

(b) Identification of corrective actions for actual or imminent discharges that violate or could violate the state's water quality standards;

(c) Monitoring of the development and implementation of storm water pollution prevention plans and storm water monitoring plans;

(d) Identification of dischargers who would benefit from follow-up inspection or compliance assistance programs; and

(e) Collection and analysis of discharge and receiving water samples whenever practicable and when deemed appropriate by the department, and other evaluation of discharges to determine the potential for causing or contributing to violations of water quality standards.

(2) The department's inspections under this section shall be conducted without prior notice to permittees whenever practicable.

(3) Follow-up inspections shall be conducted by the department to ensure that corrective and other actions as identified in the course of initial inspections are being carried out. The department shall also take such additional actions as are necessary to ensure compliance with state and federal water quality requirements, provided that all permittees must be inspected once within two years of the start of this program and each permittee must be inspected at least once each permit cycle thereafter.

(4) Permittees must be prioritized for inspection based on the development of criteria that include, but are not limited to, the following factors:

(a) Compliance history, including submittal or nonsubmittal of discharge monitoring reports;

(b) Monitoring results in relationship to permit benchmarks; and

(c) Discharge to impaired waters of the state.

(5) Nothing in this section shall be construed to limit the department's enforcement discretion.

NEW SECTION. Sec. 4. No later than December 31, 2006, the department of ecology shall submit a report to the appropriate committees of the legislature regarding methods to improve the effectiveness of permit monitoring requirements in construction and industrial storm water general permits. The department of ecology shall study and evaluate how monitoring requirements could be improved to determine the effectiveness of storm water best management practices and compliance with state water quality standards. In this study the department also shall evaluate monitoring requirements that are necessary for determining compliance or noncompliance with state water quality standards and shall evaluate the feasibility of including such monitoring in future permits. When conducting this study, the department shall consult with experts in the fields of monitoring, storm water management, and water quality, and when necessary the department shall conduct field work to evaluate the practicality and usefulness of alternative monitoring proposals.

NEW SECTION. Sec. 5. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department shall establish permit fees for construction and industrial storm water general permits as necessary to fund the provisions of sections 2 and 3 of this act. When calculating appropriate fee amounts, the department shall take into consideration differences between large and small businesses and the economic impacts caused by permit fees on those businesses. Fees established under this section shall be adopted in accordance with chapter 34.05 RCW.

(2) In its biennial discharge fees progress report required by RCW 90.48.465, the department shall include a detailed accounting regarding the method used to establish permit fees, the amount of permit fees collected, and the expenditure of permit fees. The detailed accounting shall include data on inspections conducted and the staff hired to implement the provisions of sections 2 and 3 of this act.

NEW SECTION. **Sec. 6.** If any portion of sections 2 and 3 of this act are found to be in conflict with the federal clean water act, that portion alone is void.

NEW SECTION. **Sec. 7.** This act expires January 1, 2015.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2004, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6415, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6415, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Holmquist - 1.

Excused: Representatives Edwards and Flannigan - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6415, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Berkey, Swecker, Doumit, Schmidt, Mulliken, Parlette, Keiser, Rasmussen, Haugen and Murray)

Creating a joint select legislative task force to evaluate permitting processes.

The concurrent resolution was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was before the House for purpose of amendment. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

Representative Schindler moved the adoption of amendment (1095) to the committee amendment:

On page 2, line 23 of the amendment, after "labor;" insert "a representative from the construction industry; a representative from the ports;"

Representatives Schindler and Romero spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted. The committee amendment as amended was adopted.

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

Representatives Romero and Schindler spoke in favor of adoption of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final adoption of Substitute Senate Concurrent Resolution No. 8418, as amended by the House.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418, as amended by the House, was adopted.

**HOUSE CONCURRENT RESOLUTION NO. 4418, By Representatives Kagi and Boldt
Creating a study panel on adoption issues.**

The concurrent resolution was read the second time.

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

Representatives Kagi and Boldt spoke in favor of passage of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4418.

HOUSE CONCURRENT RESOLUTION NO. 4418 was adopted.

**SUBSTITUTE SENATE BILL NO. 6240, By Senate Committee on Ways & Means
(originally sponsored by Senators T. Sheldon, Zarelli, Benton, Hale, McAuliffe, Prentice,
Rasmussen, Murray and Haugen; by request of Governor Locke)**

Modifying tax incentive provisions for rural counties.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For committee amendment, see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McIntire and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6240, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6240, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Chase, Moeller and Ormsby - 3.

Excused: Representatives Edwards and Flannigan - 2.

SUBSTITUTE SENATE BILL NO. 6240, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6112, By Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Prentice, Benton, Winsley, Keiser and Kohl-Welles)

Regulating self-funded multiple employer welfare arrangements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was not adopted. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

Representative Cody moved the adoption of amendment (1175):

On page 4, line 1, after "establishes to the" strike "reasonable"

On page 4, after line 25, insert the following:

"(5) In this state, the arrangement provides or arranges benefits for health care services in compliance with RCW 48.43.500 through 48.43.535, 48.43.545, and 48.43.550;"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Beginning on page 16, line 35, after "these arrangements" strike all language through "authority." on page 17, line 3, and insert ". If there has not been a final determination by the United States department of labor or a federal court that the taxes are not preempted by federal law, the taxes provided for in this section become effective on March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later. During the time period between March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later, and the final determination by the United States department of labor or a federal court, any taxes shall be deposited in an interest bearing escrow account maintained by the multiple employer welfare arrangement. Upon a final determination that the taxes are not preempted by the employee retirement income

security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the state treasurer."

On page 17, after line 3, insert the following:

"Sec. 25. RCW 48.41.030 and 2001 c 196 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

(7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(9) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(10) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(11) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection (10) of this section.

(12) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(13) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(14) "Member" means any commercial insurer which provides disability insurance or stop loss insurance, any health care service contractor, ~~((and))~~ any health maintenance organization licensed under Title 48 RCW, and any self-funded multiple employer welfare arrangement as defined in section 3 of this act. "Member" also means the Washington state health care authority as issuer of the state uniform medical plan. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection (10) of this section.

(15) "Network provider" means a health care provider who has contracted in writing with the pool administrator or a health carrier contracting with the pool administrator to offer pool coverage to accept payment from and to look solely to the pool or health carrier according to the terms of the pool health plans.

(16) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

(17) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

(18) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

Sec. 26. RCW 48.41.060 and 2000 c 79 s 9 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;

(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;

(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every eighteen months. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;

(d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;

(e) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year. Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. If there has not been a final determination by the United States department of labor or a federal court that the assessments are not preempted by federal law, the assessments provided for in this subsection become effective on March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later. During the time period between March 1, 2005, or thirty days following the issuance of a certificate of authority, whichever is later, and the final determination by the United States department of labor or a federal court, any assessments shall be deposited in an interest bearing escrow account maintained by the multiple employer welfare arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

(f) Issue policies of health coverage in accordance with the requirements of this chapter;

(g) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

(h) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

(i) Set a reasonable fee to be paid to an insurance agent licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

(j) Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW."

Renumber remaining sections consecutively and correct the title.

Representatives Cody and Benson spoke in favor of the adoption of the amendment.

Representative McMorris spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Benson spoke in favor of passage of the bill.

MOTION

On motion of Representative Clements, Representative Ericksen was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6112, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6112, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Ericksen and Flannigan - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6112, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3204, By Representatives Sommers and Cody

Allowing basic health plan benefits for home care agency providers.

The bill was read the second time. There being no objection, Substitute House Bill No. 3204 was substituted for House Bill No. 3204 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3204 was read the second time.

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

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3204.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3204 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Ericksen and Flannigan - 3.

SUBSTITUTE HOUSE BILL NO. 3204, having received the necessary constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 4419, By Representatives Romero, Conway, Hudgins, McCoy, Kenney, Veloria, Dickerson, Hunt, Morris, Morrell, Ormsby, Clibborn, O'Brien, Chase, Haigh, Darneille, Santos and D. Simpson

Creating a task force to study offshore outsourcing.

The concurrent resolution was read the second time.

Representative Jarrett moved the adoption of amendment (1185):

On page 3, line 24, after "rate" insert "and implications for trade-dependent industries"

Representatives Jarrett and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Priest moved the adoption of amendment (1192):

On page 3, line 34, after "of" strike "ten" and insert "eleven"

On page 4, line 6, after "trade representative;" insert "one member representing the chair of the Washington competitiveness council;"

Representatives Priest and Anderson spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (1192) to House Concurrent Resolution No. 4419.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1192) to House Concurrent Resolution No. 4419, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 49, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Delvin, Hankins, Hinkle, Holmquist, Hunter, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morris, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schoesler, Sehlin, Shabro, Skinner, Sump, Talcott, Tom and Woods - 46.

Voting nay: Representatives Blake, Campbell, Chase, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, D. Simpson, G. Simpson, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 49.

Excused: Representatives Edwards, Ericksen and Flannigan - 3.

The resolution was ordered engrossed.

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

Representatives Romero, Veloria, Priest, Conway, Campbell, Wallace, Hudgins and Morris spoke in favor of adoption of the concurrent resolution.

Representatives Anderson, Delvin, Ahern, DeBolt and Orcutt spoke against the adoption of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of Engrossed House Concurrent Resolution No. 4419.

ROLL CALL

The Clerk called the roll on the adoption of Engrossed House Concurrent Resolution No. 4419 and the resolution was adopted by the House by the following vote: Yeas - 64, Nays - 31, Absent - 0, Excused - 3.

Voting yea: Representatives Blake, Bush, Cairnes, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Carrell, Chandler, Condotta, Cox, Crouse, DeBolt, Delvin, Hinkle, Holmquist, Kristiansen, McMahan, Mielke, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Schoesler, Sehlin, Sump, Talcott and Tom - 31.

Excused: Representatives Edwards, Ericksen and Flannigan - 3.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4419, having received the necessary constitutional majority, was adopted.

ENGROSSED SENATE BILL NO. 6411, By Senators Brandland, Rasmussen, Sheahan, Hargrove, Swecker, Brown, Jacobsen, McAuliffe, Regala, Eide, Kline, Kohl-Welles and Winsley

Reducing hunger.

The bill was read the second time.

With the consent of the House, amendment (1188) was withdrawn.

Representative Boldt moved the adoption of amendment (1190):

On page 4, beginning on line 22, strike all of section 4

Renumber the remaining sections consecutively and correct the title.

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Boldt moved the adoption of amendment (1193):

On page 5, beginning on line 23, strike all of section 5.

Renumber the sections consecutively and correct the title.

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Pettigrew, Boldt and Darneille spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6411.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6411 and the bill passed the House by the following vote: Yeas - 77, Nays - 18, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, Ormsby, Pearson, Pettigrew, Priest, Quall, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Uptegrove, Veloria, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Armstrong, Boldt, Chandler, Clibborn, Condotta, Crouse, Holmquist, Lantz, Lovick, Mielke, Morrell, O'Brien, Orcutt, Roach, Rockefeller, Schindler, Sump and Wallace - 18.

Excused: Representatives Edwards, Ericksen and Flannigan - 3.

ENGROSSED SENATE BILL NO. 6411, having received the necessary constitutional majority, was declared passed

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1572,
HOUSE BILL NO. 1580,
HOUSE BILL NO. 1589,
SUBSTITUTE HOUSE BILL NO. 1691,
SUBSTITUTE HOUSE BILL NO. 1867,
SUBSTITUTE HOUSE BILL NO. 2055,
HOUSE BILL NO. 2301,
SUBSTITUTE HOUSE BILL NO. 2307,
SUBSTITUTE HOUSE BILL NO. 2308,
ENGROSSED HOUSE BILL NO. 2318,
ENGROSSED HOUSE BILL NO. 2364,
SUBSTITUTE HOUSE BILL NO. 2367,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383,
HOUSE BILL NO. 2453,
HOUSE BILL NO. 2454,
HOUSE BILL NO. 2483,
SUBSTITUTE HOUSE BILL NO. 2504,
HOUSE BILL NO. 2509,
SUBSTITUTE HOUSE BILL NO. 2532,
HOUSE BILL NO. 2534,
HOUSE BILL NO. 2535,
SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2575,
HOUSE BILL NO. 2577,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2598,
HOUSE BILL NO. 2601,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2621,
HOUSE BILL NO. 2647,
HOUSE BILL NO. 2683,
SUBSTITUTE HOUSE BILL NO. 2685,
HOUSE BILL NO. 2703,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2781,
HOUSE BILL NO. 2794,
HOUSE BILL NO. 2817,
SUBSTITUTE HOUSE BILL NO. 2830,
HOUSE BILL NO. 2838,
SUBSTITUTE HOUSE BILL NO. 2849,
HOUSE BILL NO. 2859,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905,
SUBSTITUTE HOUSE BILL NO. 2908,
SUBSTITUTE HOUSE BILL NO. 2910,
SUBSTITUTE HOUSE BILL NO. 2919,
SUBSTITUTE HOUSE BILL NO. 2984,

ENGROSSED HOUSE BILL NO. 2987,
ENGROSSED HOUSE BILL NO. 3036,
SUBSTITUTE HOUSE BILL NO. 3051,
SUBSTITUTE HOUSE BILL NO. 3055,
SUBSTITUTE HOUSE BILL NO. 3057,
SECOND SUBSTITUTE HOUSE BILL NO. 3085,
SUBSTITUTE HOUSE BILL NO. 3092,
HOUSE JOINT MEMORIAL NO. 4031,
HOUSE JOINT MEMORIAL NO. 4040,
HOUSE JOINT MEMORIAL NO. 4041,

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 1681, and the bill was placed on the second reading calendar.

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 6157, and the bill was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., March 10, 2004, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

FIFTY EIGHTH DAY, MARCH 9, 2004

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FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 10, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elisa Lopez and Justin Berteauz-Pettigrew. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anna Joy Grace, Unity Church of Olympia.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4717, By Representatives Hunter, Ruderman, Nixon and Tom

WHEREAS, For more than one hundred years the works and characters of Lewis Carroll have inspired the imaginations of millions in the State of Washington, the United States, and the world; and

WHEREAS, Literally hundreds of puzzle enthusiasts will gather on the weekend of March 20th and 21st, 2004, to solve puzzles inspired by *Alice's Adventures in Wonderland* and *Through the Looking Glass and What Alice Found There*; and

WHEREAS, An appreciation of the works of Lewis Carroll and the solving of puzzles enhances the lives of our citizenry;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize that March 20th and 21st, 2004, is Alice in Puzzlehunt Weekend in the State of Washington, and urge all citizens to join in the celebration of the works of Lewis Carroll and the art of puzzles.

HOUSE RESOLUTION NO. 4717 was adopted.

HOUSE RESOLUTION NO. 2004-4719, By Representatives Sullivan and Pearson

WHEREAS, The Federal Aviation Administration Western Pacific Region will participate in Aviation Maintenance Technician Day, an event honoring aviation maintenance technicians from all around the world; and

WHEREAS, This event will advance public appreciation for the significant and vital contributions of aviation maintenance technicians; and

WHEREAS, Aviation maintenance technicians are all too often unsung heroes whose achievements are overlooked; and

WHEREAS, One such unsung hero of aviation was Mr. Charles Edward Taylor; and

WHEREAS, On April 30, 1903, at the Wright Brother's Bicycle Shop in Dayton, Ohio, Charles Edward Taylor began working on the first engine built for Orville and Wilbur Wright's airplane named The Flyer; and

WHEREAS, Mr. Taylor pioneered uncharted theories of engine design by using only a lathe and drill press to construct in just six weeks a four-cylinder piston engine weighing 179 pounds and producing 12 horsepower; and

WHEREAS, On the morning of December 17, 1903, at the base of Kill Devil Hills, south of the village of Kitty Hawk, North Carolina, the Wright brothers made a mark in aviation history by successfully flying the first engine-powered airplane; and

WHEREAS, This incredible achievement would not have been possible were it not for Charles Edward Taylor, the first aviation mechanic in powered flight, the man who built and maintained the first aircraft engines; and

WHEREAS, The Federal Aviation Administration Western Pacific Region is working to bring attention to the significance of Charles Edward Taylor's achievements, and to the contributions of the aviation maintenance industry, by recognizing May 24th, Mr. Taylor's birthday, as Aviation Maintenance Technician Day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Charles Edward Taylor's achievements and contributions to the aviation maintenance industry; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Secretary of the United States Department of Transportation and the Federal Aviation Administration and Goodrich Aviation Technical Services in Everett, Washington.

HOUSE RESOLUTION NO. 4719 was adopted.

HOUSE RESOLUTION NO. 2004-4720, By Representative Kenney

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

WHEREAS, The O'Dea High School Fighting Irish Basketball team, from Seattle, won the 2004, class AAA State Basketball Championship; and

WHEREAS, The O'Dea Basketball coaches showed leadership and skill in focusing their team on accomplishing their goal of winning the State AAA Basketball championship with a 24-5 record; and

WHEREAS, The Fighting Irish team acknowledges the dedication of the Seniors for their loyalty and contributions to the O'Dea Basketball program;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the O'Dea High School Fighting Irish Basketball team and Coach Phil Lumpkin and his assistant coaches for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Coach Phil Lumpkin, the members of the O'Dea Fighting Irish Basketball team, the principal, and the faculty of O'Dea High School.

HOUSE RESOLUTION NO. 4720 was adopted.

HOUSE RESOLUTION NO. 2004-4721, By Representative Morris

WHEREAS, It is the policy of Washington State to recognize excellence in all fields and areas of study; and

WHEREAS, Washington is a global leader in technology and research and development; and

WHEREAS, Carson Taylor has distinguished himself at Bonneville Power Administration and has been instrumental in research regarding power grid control reliability and stability; and

WHEREAS, Mr. Taylor is one of the principal architects of Wide Area Management Systems as well as Wide Area Control Systems designed to reduce the danger of electricity blackouts; and

WHEREAS, Mr. Taylor received degrees from the University of Wisconsin and Rensselaer Polytechnic Institute, is a Fellow with the Institute of Electrical and Electronics Engineers and chairs the subcommittee on Power System Stability Controls, and is a distinguished member of CIGRE, the International Council on Large Electric Systems; and

WHEREAS, Mr. Taylor is the author of *Power System Voltage Stability* and founded Carson Taylor Seminars, an education and consulting company, in 1986;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Mr. Carson Taylor for his hard work and contributions to the reliability and stability of power systems; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Taylor.

HOUSE RESOLUTION NO. 4721 was adopted.

HOUSE RESOLUTION NO. 2004-4722, By Representative Morris

WHEREAS, It is the policy of Washington State to recognize excellence in all fields and areas of study; and

WHEREAS, Washington is a global leader in technology and research and development; and

WHEREAS, Eric Horvitz and David Heckerman have distinguished themselves as top researchers at Microsoft and have published many papers; and

WHEREAS, Mr. Horvitz received a PhD and MD from Stanford University and Mr. Heckerman received his PhD in Medical Information Sciences from Stanford University; and

WHEREAS, Mr. Heckerman's doctoral dissertation was selected by the Association for Computer Machinery as the top dissertation of 1990; and

WHEREAS, The magazine *Technology Review* recognized Mr. Horvitz and Mr. Heckerman as top leaders in the Bayesian Machine Learning field;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Mr. Eric Horvitz and Mr. David Heckerman for their contributions to Bayesian machine learning, especially in the areas of spam-filtering, advanced data-mining tools, and intelligent office assistants; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Horvitz and Mr. Heckerman.

HOUSE RESOLUTION NO. 4722 was adopted.

HOUSE RESOLUTION NO. 2004-4723, By Representative Morris

WHEREAS, It is the policy of Washington State to recognize excellence in all fields and areas of study; and

WHEREAS, Washington is a global leader in technology and research and development; and

WHEREAS, John Hauer has distinguished himself as the technical leader of the Power Systems Group at Pacific Northwest National Laboratory in Richland, Washington; and

WHEREAS, Mr. Hauer began his career in the early 1960s when he worked on the measurement and control of nuclear reactor dynamics at Hanford and then continued at Boeing Aerospace where one of his principal accomplishments was developing the algorithm for the camera orientation used to take historic photographs of the earth and moon; and

WHEREAS, Mr. Hauer worked with Bonneville Power Administration as the Principal Engineer for Power System Dynamics and helped initiate the Wide Area Management System designed to reduce the danger of electricity blackouts; and

WHEREAS, Mr. Hauer received a PhD degree in electrical engineering from the University of Washington and is a Fellow with the Institute of Electrical and Electronics Engineers;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Mr. John Hauer for his long and distinguished career as well as for his many accomplishments and contributions to the field of electrical engineering; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Hauer.

HOUSE RESOLUTION NO. 4723 was adopted.

HOUSE RESOLUTION NO. 2004-4724, By Representatives Rodne, Ahern, Schindler, Benson, Bailey, Hankins, Clements, Sump, Priest, Roach, Pearson, Sehlin, Newhouse, Mastin, DeBolt, Carrell, Hinkle, McDonald, Orcutt, McMahan, Cairnes, Crouse, Bush, Cox, Condotta, Campbell, Nixon, McMorris, Delvin, Ericksen, Mielke, Buck, McCoy, Schoesler, Woods, Kristiansen, Tom, Talcott, Holmquist, Shabro, Jarrett, Alexander, Miloscia, Chandler, Wood, Sullivan, Upthegrove, Voloria, Hunter, Moeller, Chase, Dickerson, Haigh, Ormsby, McIntire, Hunt, Schual-Berke, Rockefeller, O'Brien, Clibborn, Darneille, Fromhold, Sommers, G. Simpson, Grant, Quall, Chopp, Kessler, Linville, Lovick, Lantz, Anderson, Armstrong, Blake, Boldt, Cody, Conway, Cooper, Dunshee, Edwards, Eickmeyer, Flannigan, Hatfield, Hudgins, Kagi, Kenney, Kirby, McDermott, Morrell, Morris, Murray, Pettigrew, Romero, Ruderman, Santos, D. Simpson, Skinner and Wallace

WHEREAS, It is the policy of the legislature to honor excellence in every field of endeavor; and

WHEREAS, The Gonzaga Bulldogs - the Zags - of Gonzaga University, Spokane, Washington, have proved their excellence thus far this season through incredible achievements; and

WHEREAS, The Gonzaga University Bulldogs men's basketball team have fielded one of the best teams in the history of the school and the best program in league history with two potential first-round draft picks and talent that goes 10 deep; and

WHEREAS, The Gonzaga Bulldogs are currently 27-2, with losses only to the teams ranked numbers 1 and 2 in the nation. The Zags did not lose to a single West Coast Conference opponent, and their last loss was December 20th last year to Stanford; and

WHEREAS, The Gonzaga Bulldog's historic school record 20-game winning streak is the second longest in the country, behind 27-0 Saint Joseph's; and

WHEREAS, The Gonzaga Bulldogs have won yet another West Coast Conference (WCC) tournament; and

WHEREAS, The Gonzaga Bulldogs capped their undefeated season in conference play by beating Saint Mary's for the 17th straight time with nearly 1,600 hometown fans cheering at the Leavey Center and chanting "Undefeated!" in the final minute; and

WHEREAS, The Gonzaga Bulldogs have climbed to number 3 in the polls reaching their highest ranking in school history; and

WHEREAS, The Gonzaga Bulldogs are entering their sixth straight appearance in the NCAA Championship tournament, a league record; and

WHEREAS, The Gonzaga Bulldogs have been able to beat teams in many ways this season, having excellent depth that allows them to go through the season withstanding a couple of injuries, having outstanding ability to shoot the ball as well as any other team in NCAA history and not only from one or two positions, but from everywhere on the floor, being an outstanding transition team, and never giving up but gathering themselves together to do what needs to be done as a team when crunch time comes; and

WHEREAS, The Gonzaga Bulldog's Elite Eight team of 1999 birthed the current mania with its accomplishments setting a near-impossible standard; and

WHEREAS, The Gonzaga Bulldogs are direct descendants of the 1999 team and from all the Gonzaga teams that have won or shared WCC or tournament titles eight times in the past decade with the result that the Bulldogs have established a sustained dominance that exceeds anything in league history; and

WHEREAS, The Gonzaga Bulldog's legacy now lies in what can be achieved over the season's final three weeks; and

WHEREAS, The Gonzaga Bulldogs Team Members include Kyle Bankhead, Guard/Forward, Colin Floyd, Guard, Richard Fox, Center, Erroll Knight, Guard, Sean Mallon, Forward, Brian Michaelson, Guard, Adam Morrison, Forward, Derek Raivio, Guard, Tony Skinner, Guard, Blake Stepp, Guard, Ronny Turiaf, Forward, and Cory Violette, Center/Forward; and

WHEREAS, The Gonzaga Bulldogs Coaches include Mark Few, Head Coach, Bill Grier, Assistant Coach, Leon Rice, Assistant Coach, Tommy Lloyd, Assistant Coach, Steve DeLong, Trainer, and Jerry Krause, Director of Basketball Operations; and

WHEREAS, The Gonzaga Bulldogs Team Members and Coaches exemplify the success that is possible when clear goals are established and persistent effort is made toward those goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the Gonzaga Bulldogs Team Members for their dedication, sacrifice, and hard work in achieving these significant accomplishments; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington recognize and honor the Gonzaga Bulldogs Team Coaches for their dedication, sacrifice, and leadership in achieving these significant accomplishments; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington recognize and honor the parents, families, classmates, teachers, and community members of the Gonzaga Bulldogs Team Members and Coaches for the important part they played in helping this team excel and achieve their goals; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Father Robert J. Spitzer, S.J., Gonzaga University President, and to each of the Coaches and Team Members of the Gonzaga Bulldogs.

HOUSE RESOLUTION NO. 4724 was adopted.

HOUSE RESOLUTION NO. 2004-4725, By Representatives Conway, Kirby, Quall, Lovick, Sullivan and Hatfield

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

WHEREAS, On November 15th, 2003, Pacific Lutheran University Football Coach Frosty Westering achieved his 305th victory and ended his coaching career as one of the winningest coaches in the history of football; and

WHEREAS, Frosty Westering's career is distinguished by continued excellence and success; and

WHEREAS, Frosty never had a losing season throughout his 32-year tenure at Pacific Lutheran University; and

WHEREAS, Frosty is ranked 9th among the 25,000 head coaches in the history of college football; and

WHEREAS, Frosty Westering's honors include: Induction into the NAIA Hall of Fame; two-time NAIA National College Football Coach of the Year; NCAA Division III Coach of the Year; five-time Northwest Small-College Coach of the Year; American Football Coaches Associations' National Coach of the Year; four-time Conference Coach of the Year; seven-time Northwest College Division

Coach of the Year; honored as the winningest coach in NAIA history; hailed as Pacific Lutheran University's all-time winningest football coach; recipient of the Fellowship of Christian Athletes' Lifetime Achievement Award; and coach of 25 NAIA and NCAA First Team All-Americans, including his son and now PLU Head Football Coach, Scott Westering, who will continue the legacy of his father; and

WHEREAS, Football seasons with Frosty began on the ocean beach with a human pyramid in the sand, comical skits, a softball game, a handshake, and a laugh. His leadership and unconventional coaching methods inspired PLU to win four national championships and eight title-game appearances; and

WHEREAS, The excellence Frosty exemplified on the football field is a byproduct of his philosophy to "Make the Bigtime Where You Are." Frosty focused not on winning, but the joy of the journey and the opportunity to be in the arena. He emphasized a double-win philosophy where victory on the scoreboard resulted from striving for excellence and playing to one's personal potential; and

WHEREAS, Even more impressive than Frosty's passion for the game is his passion for serving people. His rich tradition of excellence extended beyond the playing field into surrounding communities; and

WHEREAS, Frosty believed his football team should be "More than Champions;" he encouraged his players to serve others through the PLU football mentorship program; and

WHEREAS, Athletes would volunteer and visit the classrooms of local Tacoma Middle Schools every week, as Frosty fostered a strong ethic of service and recognized his athletes as "Servant Warriors"; and

WHEREAS, Frosty believed "No one cares how much you know until they know how much you care," he prayed with players before and after games, stopped practices for Popsicle breaks, and frequently gave "Attaway" cheers to honor the feats of others and even inanimate objects like the beauty of Mount Rainier. Frosty created an inviting feeling that extended beyond the arena; and

WHEREAS, He encouraged and strengthened the confidence of others with sayings such as, "courage is a three letter word (YES!)" and "the real measure of a person is not what they can do in comparison to others but what they do in comparison to their own best self"; and

WHEREAS, Frosty Westering's unsurpassed legacy of love, service, and humility will forever impact and inspire others to be their "best self"; and

WHEREAS, Frosty Westering's high regard for human dignity and unique approach to life and competition is founded in his love for people, strength of character, and his faith in Jesus Christ; and

WHEREAS, Frosty is a devoted husband, father, and grandfather who celebrates over fifty years of marriage with his wife, Donna Bell Westering; and

WHEREAS, Donna Bell is an amazing woman with a passion for life and a heart for serving others; and

WHEREAS, Frosty would hold none of his success possible without her strength, hope, love, and grace;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the life and legacy of Coach Frosty Westering and his unwavering example of love, friendship, humility, and integrity; and

BE IT FURTHER RESOLVED, That the House of Representatives honor him for exemplifying a faith to stand on, a future to hope for, and the belief that love never fails; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Pacific Lutheran University President Loren Anderson, Frosty Westering, Scott Westering, and the PLU football team.

HOUSE RESOLUTION NO. 4725 was adopted.

HOUSE RESOLUTION NO. 2004-4726, By Representatives Chase and Kagi

WHEREAS, The Washington State Legislature recognizes and applauds the achievements and contributions of its citizens; and

WHEREAS, Janeen Cook's family are longtime residents of Shoreline, Washington; and

WHEREAS, Janeen Cook's family has a history of contributions to the community, starting with her grandfather who owned a sawmill on Echo Lake; and

WHEREAS, Janeen Cook generously served her community by volunteering at the Shoreline Public Library every week, tirelessly organizing the library's yearly book sale, and serving in the neighborhood storefront for the Shoreline Police Department; and

WHEREAS, Her commitment to peace, fairness, and harmony guided her to be one of the originators of the Sound Non-Violent Opposition to War, and a drum major for peace and justice; and

WHEREAS, Janeen Cook exemplified the ideal of civic-mindedness in her service to the 32nd district and was well-known and respected by the Democrats in that district; and

WHEREAS, Janeen Cook was a dedicated and loyal employee of US West for over thirty years; and

WHEREAS, Janeen Cook's life of continued civic engagement and community involvement is an example to all Washingtonians;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate and honor the life of Janeen Cook and extend to her family: Her husband, John; her son, Michael; her daughter-in-law, Amy; and her beloved granddaughter, Cameron, our sincere sympathy and condolences; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Janeen Cook.

HOUSE RESOLUTION NO. 4726 was adopted.

There being no objection, the Rules Committee was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5431, and the bill was placed on the second reading calendar.

MESSAGES FROM THE SENATE

March 10, 2004

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6448,
SENATE BILL NO. 6490,
SENATE BILL NO. 6515,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5326,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
SUBSTITUTE SENATE BILL NO. 6107,
SUBSTITUTE SENATE BILL NO. 6189,
SENATE BILL NO. 6339,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6472,
SUBSTITUTE SENATE BILL NO. 6575,
SECOND SUBSTITUTE SENATE BILL NO. 6599,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 6148,

SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SENATE BILL NO. 6188,
SUBSTITUTE SENATE BILL NO. 6302,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358,
SUBSTITUTE SENATE BILL NO. 6402,
SENATE BILL NO. 6488,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489,
SUBSTITUTE SENATE BILL NO. 6560,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6642,
SENATE BILL NO. 6643,
SUBSTITUTE SENATE BILL NO. 6655,
SENATE BILL NO. 6663,
SUBSTITUTE SENATE BILL NO. 6676,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

SECOND READING

HOUSE BILL NO. 2295, By Representatives Quall, Talcott, Rockefeller and Anderson

Authorizing charter schools.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2295 was substituted for House Bill No. 2295 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2295 was read the second time.

With the consent of the House, amendments (1201), (1200), (1191) and (1205) were withdrawn.

Representative McDermott moved the adoption of amendment (1202):

On page 2, line 12, after "demonstrate" strike "how" and insert "whether"

On page 19, line 5, after "schools" insert "including the impact on the school districts in which they are located"

On page 19, line 12, after "process." insert "The institute also shall recommend whether the charter school program should be expanded, allowed to operate at the currently permitted levels, or terminated when contracts then in force are completed. If the Washington institute for public policy study demonstrates that all charter schools are not performing at the same level or better than the regular public schools where the charter is located; and if the proportion of disadvantaged students is not higher in all charter schools than the regular public schools where the charter is located; then this act shall expire effective August 31, 2009. All existing charters shall thereby be closed by August 31, 2009."

Correct the title.

Representatives McDermott and Santos spoke in favor of the adoption of the amendment.

Representatives Hunter and Talcott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McMahan moved the adoption of amendment (1198):

On page 2, line 37, after "school" insert ", and may include one member of the local school district board of directors who may serve as an ex officio member"

On page 4, after line 29, insert "(4) A local school district board may appoint one of its directors to serve as an ex officio member of the board of directors of a charter school located in the school district."

Representatives McMahan and Quall spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cox moved the adoption of amendment (1196):

On page 3, line 22, after "directors of" strike "the school district" and insert "a school district that serves more than three thousand five hundred students"

Representatives Cox, McDermott, Santos and Chase spoke in favor of the adoption of the amendment.

Representatives Rockefeller, Tom, Anderson and Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chase moved the adoption of amendment (1203):

On page 4, line 24, after "events" insert "and activities"

On page 16, after line 28, insert the following:

"(8) If a charter school closes prior to the end of a school year, the state must fund the entire cost of reopening the school.

(9) The state shall provide full funding for each student returned to the regular public school system if a charter school shuts down unexpectedly without fulfilling all requirements of this section."

Representatives Chase and Santos spoke in favor of the adoption of the amendment.

Representatives Hunter and Talcott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chase moved the adoption of amendment (1204):

On page 4, beginning on line 31, after "twelve," strike everything through "applicant" on line 33 and insert "managed by a school district board of directors"

On page 2, beginning on line 18, after "means" strike all material through "(b)" on line 22

On page 9, beginning on line 6, after "superintendent" strike all material through "superintendent" on line 11

On page 10, line 2, after "by" strike all material through "or"

Representatives Chase and McDermott spoke in favor of the adoption of the amendment.

Representatives Anderson and Quall spoke against the adoption of the amendment.

The amendment was not adopted.

Representative G. Simpson moved the adoption of amendment (1207):

On page 5, at the end of line 24, insert "(c) Provide transportation for charter school students using routes comparable to the transportation routes used by the school district in which the charter school is located;"

On page 19, line 36, after "chapter," strike "a majority of the annual number of" and insert "all"

On page 20, line 1, after "section" strike "are reserved to implement" and insert "must be"

On page 20, line 3, after "and" strike "that are"

On page 20, line 10, after "2001" strike everything through "year" on line 15

On page 20, line 21, after "approved" strike everything through "students" on line 22

On page 20, line 27, after "section" strike everything through "section" on line 29

On page 20, at the beginning of line 31, strike "subsections" and insert "subsection"

On page 20, line 31, after "(1)" strike "and (2)"

On page 20, at the beginning of line 34, strike everything through "section." on page 21, line 4.

Renumber subsections accordingly.

Representatives G. Simpson, McDermott, Santos, G. Simpson (again) and Chase spoke in favor of the adoption of the amendment.

Representatives Tom, Quall, Hunter and Talcott spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result was 34 - YEAS; 63 -NAYS.

The amendment was not adopted.

Representative Chase moved the adoption of amendment (1199):

On page 11, at the end of line 24, strike "and"

On page 11, line 26, after "components" insert "; and
(17) A description of the provisions for regular maintenance of conversion charter school facilities owned by the school district"

On page 13, line 11, after "charter;" strike "and"

On page 13, line 12, after "adequate" insert "; and
(17) A majority of voters voting in the school district approve of the school district board's resolution to approve the charter"

Representatives Chase, G. Simpson, McDermott, Chase (again) and Santos spoke in favor of the adoption of the amendment.

Representatives Hunter, Anderson and Rockefeller spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved the adoption of amendment (1194):

On page 21, beginning on line 24, strike all of sections 17 through 20 and insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 41.56 RCW to read as follows:

(1) This chapter applies to classified employees of charter schools created under chapter 28A.-- RCW (sections 1 through 16 and 23 of this act) as follows:

(a) Notwithstanding RCW 41.56.060 and 41.56.070, the employees of a new charter school shall be members of an existing appropriate bargaining unit of employees of the school district in which the charter school is located.

(b) At the time of creation of a conversion charter school, the employees of the charter school remain in the existing appropriate bargaining unit of employees of the school district in which the charter school is located.

(2) If an applicant for a charter school or a charter school board requests one or more variances from a collective bargaining agreement that applies to a school district bargaining unit to address specific needs of the charter school and the employees of the charter school, the school district, in consultation with the applicant or charter school board, and the exclusive bargaining representative of the bargaining unit shall negotiate concerning the issues raised in the variance request.

NEW SECTION. Sec. 18. A new section is added to chapter 41.59 RCW to read as follows:

(1) This chapter applies to educational employees of charter schools created under chapter 28A.-- RCW (sections 1 through 16 and 23 of this act) as follows:

(a) Notwithstanding RCW 41.59.070 and 41.59.080, the employees of a new charter school shall be members of an existing appropriate bargaining unit of employees of the school district in which the charter school is located.

(b) At the time of creation of a conversion charter school, the employees of the charter school remain in the existing appropriate bargaining unit of employees of the school district in which the charter school is located.

(2) If an applicant for a charter school or a charter school board requests one or more variances from a collective bargaining agreement that applies to a school district bargaining unit to address specific needs of the charter school and the employees of the charter school, the school district, in consultation with the applicant or charter school board, and the exclusive bargaining representative of the bargaining unit shall negotiate concerning the issues raised in the variance request."

Renumber the sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Conway, G. Simpson, Cooper, Moeller and Chase spoke in favor of the adoption of the amendment.

Representatives Tom, Anderson, Ahern and Rockefeller spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result was 40 - YEAS; 57 -NAYS.

The amendment was not adopted.

Representative Chase moved the adoption of amendment (1206):

On page 24, after line 29, insert the following:

"NEW SECTION. Sec. 28. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representatives Chase, Santos and McDermott spoke in favor of the adoption of the amendment.

Representatives Quall and Talcott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chase moved the adoption of amendment (1062):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature intends to authorize the establishment of public charter schools within the general and uniform system of public schools for the exclusive purpose of providing more high-quality learning environments to assist historically underserved populations of students in meeting the state's academic standards. The legislature intends for charter schools to function as an integral element of the public school system maintained at public expense, free from discrimination, and open to all students in the state, and to be subject to greater academic standards and performance outcomes than other public schools. The legislature intends to ensure accountability of charter schools through the use of performance audits and a comprehensive study of charter schools, and to use the information generated to demonstrate how charter schools can contribute to raising student academic achievement.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a nonprofit corporation that has submitted an application to a sponsor. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax-exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under section 12 of this act.

(2) "Charter school management team" means the management team appointed or contractually engaged by the nonprofit applicant to manage and operate the charter school.

(3) "Charter" means a one-year contract between an applicant and a sponsor. The charter establishes, in accordance with this chapter, the terms and conditions for the management, operation, and educational program of the charter school.

(4) "Charter school" means a public school managed by a nonprofit corporation and operating according to the terms of a charter approved under this chapter.

(5) "Historically underserved populations of students" includes students with limited English proficiency; students with special needs, including students with disabilities; and economically disadvantaged students, including students who qualify for free and reduced priced meals.

(6) "New charter school" means any charter school created under this chapter.

(7) "Sponsor" means the board of directors of the school district in which the proposed charter school will be located.

NEW SECTION. Sec. 3. CHARTER SCHOOLS--POWERS. (1) To carry out its duty to manage and operate the charter school, the charter school management team may:

(a) Hire, manage, and discharge any charter school employee in accordance with the terms of collective bargaining agreements in the district;

(b) Enter into a contract with any school district, or any other public or private entity, also empowered to enter into contracts, for any and all real property, equipment, goods, supplies, and services, including educational instructional services; however, this authority does not permit assigning, delegating, or contracting out the administration and management of a charter school to a for-profit entity;

(c) Rent, lease, or own property, but may not acquire property by eminent domain;

(d) Accept and administer for the benefit of the charter school and its students, gifts, grants, and donations from other governmental and private entities, excluding sectarian or religious organizations. Charter schools may not accept any gifts or donations the conditions of which violate this chapter.

(2) A charter school may not charge tuition, levy taxes, or issue tax-backed bonds, however it may charge fees for optional noncredit extracurricular events.

(3) A charter school sponsor is not liable for acts or omissions of a charter school or its charter school management team, including but not limited to acts or omissions related to the application, the charter, the operation, the performance, and the closure of the charter school.

NEW SECTION. Sec. 4. LEGAL STATUS. A charter school is a public school including one or more of grades kindergarten through twelve, operated by a management team selected by the board of directors of the nonprofit applicant operating under the sponsorship and supervision of an elected public school board of directors, according to the terms of a renewable one-year contract granted by a sponsor. A charter school must allow students who are receiving home-based instruction under chapter 28A.200 RCW to participate in its programs on a part-time basis.

NEW SECTION. Sec. 5. CHARTER SCHOOLS--EXEMPTIONS. (1) A charter school shall operate according to the terms of a charter approved by a sponsor.

(2) Charter schools must adhere to all state statutes and rules applicable to school districts and school district boards of directors, except when exempted by negotiated waivers.

(3) A charter school's management team shall implement a quality management system and conduct annual self-assessments.

(4) Each approved charter school shall conduct annual self-assessments of its quality management program.

(5) A member of a board of directors of the nonprofit applicant of a charter school is a board member of a school district for the purposes of public disclosure requirements and must comply with the reporting requirements in RCW 42.17.240.

NEW SECTION. Sec. 6. ADMISSION REQUIREMENTS. (1) To effectuate the primary purpose for which the legislature established charter schools, a charter school must enroll historically underserved populations of students. Consistent with the legislative intent of this chapter, a charter school shall conduct timely outreach and marketing efforts to historically underserved populations of students in the school district in which the charter school will be located.

(2) A new charter school must enroll all students who submit a timely application if capacity is sufficient. If capacity is insufficient to enroll all students who apply, students must be selected to fill any remaining spaces only through an equitable selection process, such as a lottery. Siblings of enrolled students must be given priority in enrollment.

NEW SECTION. Sec. 7. CHARTER APPLICATION--CHARTERING PROCESS. (1) An applicant may apply to a sponsor to establish a charter school under this section. An application may not be submitted earlier than eighteen months before, nor later than four months before, the proposed date of opening the school.

(2) The sponsoring public school board shall establish guidelines for the timely receipt and approval of applications to facilitate the efficient implementation of this act. Guidelines established under this subsection shall reflect efficient processes for the expeditious and orderly start-up of charter schools in a timely manner for the purpose of serving historically underserved populations of students.

(3) An application for a charter school must be submitted to the publicly elected board of directors of the school district in which the proposed charter school will be located, allowing for the board's consideration of the application in accordance with subsections (4) and (5) of this section. A copy of each application submitted to a sponsor also must be provided to the superintendent of public instruction.

(4) The school district board of directors must decide, within forty-five days of receipt of the application, whether to hold a public hearing in the school district to take public comment on the application and, if a hearing is to be held, must schedule it within seventy-five days of receipt of the application. If the school board intends to accept the application, one or more public hearings must be held before granting a charter; however a school board is not required to hold a public hearing before rejecting an application. The school board must either accept or reject the application within one hundred five days after receipt of the application. The one hundred five-day deadline for accepting or rejecting the charter school application may be extended for an additional thirty days if both parties agree in writing.

(5) If the school board does not hold a public hearing or rejects the application after holding one or more public hearings, the school board must notify the applicant in writing of the reasons for that decision. The applicant may submit a revised application for the school board's reconsideration and the school board may provide assistance to improve the application. If the school board rejects the application after a revised application is submitted, the school board must notify the applicant in writing of the reasons for the rejection.

NEW SECTION. Sec. 8. APPLICATION REQUIREMENTS. The charter school application is a proposed contract and must include:

(1) The identification and description of the nonprofit corporation submitting the application, including the names, descriptions, curriculum vitae, and qualifications of the individuals who will operate the school, all of which are subject to verification and review;

(2) The nonprofit corporation's articles of incorporation, bylaws, and most recent financial statement and balance sheet;

(3) A mission statement for the proposed charter school, consistent with the description of legislative intent in this chapter, declaring the proposed charter school's primary purpose is to provide high-quality learning environments to assist historically underserved populations of students in meeting the state's academic standards;

(4) A description of the school's educational program, curriculum, and instructional strategies, including but not limited to how the charter school will assist its students in meeting the state's academic standards;

(5) A description of the school's admissions policy and marketing program, and its deadlines for applications and admissions, including its program for community outreach to families of historically underserved populations of students;

(6) A description of the school's student performance standards and requirements that must exceed those determined under chapter 28A.655 RCW, and be measured according to the assessment system determined under chapter 28A.655 RCW;

(7) A description of the school's plan to evaluate student performance and the procedures for taking corrective action if student performance at the charter school falls below standards established in its charter;

(8) A description of the financial plan for the school. The plan shall include: (a) A proposed one-year budget of projected revenues and expenditures; (b) a plan for starting the school; (c) a one-year facilities plan; (d) evidence supporting student enrollment projections of at least twenty students; and (e) a description of major contracts planned for administration, management, equipment, and services, including consulting services, leases, improvements, real property purchases, and insurance;

(9) A description of the proposed financial management procedures and administrative operations, which shall meet or exceed generally accepted standards of management and public accounting;

(10) An assessment of the school's potential legal liability and a description of the types and limits of insurance coverage the nonprofit corporation plans to obtain. A liability insurance policy, negotiated with the school board, up to fifty million dollars is required;

(11) A description of the procedures to discipline, suspend, and expel students;

(12) A description of procedures to assure the health and safety of students, employees, and guests of the school and to comply with applicable federal and state health and safety laws and regulations;

(13) A description of the school's program for parent involvement in the charter school;

(14) Documentation sufficient to demonstrate that the charter school will have the liquid assets available to operate the school on an ongoing and sound financial basis;

(15) Supporting documentation for any additional requirements that are appropriate and reasonably related to operating the charter school that a public school board sponsor may impose as a condition of approving the charter;

(16) A description of the quality management plan for the school, including its specific components; and

(17) A description of the academic plan.

NEW SECTION. Sec. 9. APPROVAL CRITERIA. A sponsoring public school board may approve an application for a charter school, if in the sponsor's reasonable judgment, after exercising due diligence and good faith, the sponsor finds:

(1) The applicant is an eligible public benefit nonprofit corporation and the individuals it proposes to manage and operate the school are qualified to operate a charter school and implement the proposed academic plan that is free from religious or sectarian influence;

(2) The public benefit nonprofit corporation has been approved or conditionally approved by the internal revenue service for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3));

(3) The mission statement is consistent with the description of legislative intent and restrictions on charter school operations in this chapter. The sponsor must make a finding of whether or not the charter school's primary purpose is to serve historically underserved populations of students;

(4) The school's educational program, including its curriculum and instructional strategies, is likely to assist its students, including its historically underserved populations of students, in meeting the state's academic standards;

(5) The school's admissions policy and marketing program is consistent with state and federal law, and includes community outreach to families of historically underserved populations of students;

(6) The school's proposed educational program includes student academic performance standards and requirements that exceed those determined under chapter 28A.655 RCW and are measured according to the assessment system determined under chapter 28A.655 RCW;

(7) The application includes a viable plan to evaluate pupil performance and procedures to take appropriate corrective action if pupil performance at the charter school falls below standards established in its charter;

(8) The financial plan for the school is designed to reasonably support the charter school's educational program based on a review of the proposed one-year budget of projected revenues, expenditures, and facilities;

(9) The school's financial and administrative operations, including its audits, exceed generally accepted standards of accounting and management;

(10) The assessment of the school's potential legal liability, and the types and limits of insurance coverage the school plans to obtain, are adequate. A liability insurance policy of up to fifty million dollars, negotiated with the school board, is required;

(11) The procedures the school plans to follow to discipline, suspend, and expel students comply with school district policy and state and federal law;

(12) The procedures the school plans to follow to assure the health and safety of students, employees, and guests of the school comply with applicable school district, state, and federal health and safety laws and regulations;

(13) The school has developed a program for parent involvement in the charter school;

(14) The charter school will have the liquid assets available to operate the school on an ongoing and sound financial basis;

(15) The procedures the school plans to follow to assure high academic standards;

(16) The applicant has met any additional requirements that are appropriate and reasonably related to the operation of a charter school that the sponsoring school board imposed as a condition for approval of the charter; and

(17) The quality management plan for the school is adequate.

NEW SECTION. Sec. 10. CHARTER AGREEMENT--AMENDMENT. (1) A charter application approved by a school board sponsor with any changes or additions, and signed by an authorized representative of the applicant and the sponsor, constitutes a charter.

(2) A charter may be amended during its term at the request of the charter school management team and the nonprofit board of directors and on the approval of the sponsoring public school board.

(3) A charter may not prohibit and must provide for the application of laws applicable to charter schools or to charter school nonprofit boards of directors and management teams enacted after the effective date of this section.

NEW SECTION. Sec. 11. CHARTER RENEWAL AND REVOCATION. (1) An approved plan to establish a charter school is effective for one year from the first day of operation. At the conclusion of the first six months of operation, the charter school may apply to the sponsor for renewal. A request for renewal must be submitted no later than four months before the expiration of the charter.

(2) A charter school renewal application must include:

(a) A report on the progress of the charter school in achieving the goals; student academic achievement, including the student performance standards adopted by the academic achievement and accountability commission in accordance with RCW 28A.655.030; the number and percentage of historically underserved populations of students served; and other terms of the charter;

(b) A financial statement that discloses the costs of administration, instruction, and other expenditure objects and activities of the charter school; and

(c) All audit information from independent sources regarding the charter school, if available, and all self assessments and corresponding corrective action plans.

(3) The sponsor may reject the application for renewal if any of the following occurred:

(a) The charter school materially violated its charter with the sponsor;

(b) The charter school failed to meet generally accepted standards of fiscal management;

(c) The charter school violated provisions in law that have not been waived in accordance with this chapter; or

(d) The charter school has failed to deliver high academic standards to their students.

(4) A sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school within one month of the request for renewal in order to allow the charter school an opportunity to correct identified deficiencies in its operation. At the request of the management team of the charter school, the sponsor shall review its decision for nonrenewal within forty-five days of receiving the request for review and the supporting documentation demonstrating the correction of the deficiencies.

(5)(a) The sponsor may revoke a previously approved charter before the expiration of the term of the charter, and before application for renewal, if any of the following occurred:

(i) The charter school materially violated its charter with the sponsor;

(ii) The charter school failed to meet generally accepted standards of fiscal management;

(iii) The charter school violated provisions in law that have not been waived in accordance with this chapter; or

(iv) The charter school failed to deliver high academic standards to their students.

(b) Except in cases of emergency where the health and safety of children are at risk, a charter may not be revoked unless the sponsor first provides:

(i) Written notice to the charter school of the specific violations alleged;

(ii) One or more public hearings in the school district in which the charter school is located; and

(iii) A reasonable opportunity and a sufficient period of time for the charter school to correct the identified deficiencies.

(c) If, after following the procedures in (b) of this subsection, the sponsor determines that revoking the charter is necessary to further the intent of this chapter, the sponsor may revoke the charter.

(d) If a sponsor revokes the charter, the sponsor, upon a request by the charter school, shall provide technical assistance to the charter school to complete the plan required and carry out the tasks identified in subsection (6) of this section.

(6) A charter school planning to close or anticipating revocation or nonrenewal of its charter shall provide a plan setting forth a timeline and the responsible parties for disposition of students and student records and disposition of finances.

(a) Immediately following the decision to close a school, the school must:

- (i) Submit to the sponsor a list of parent addresses and proof that the school has communicated the impending closure of the school to all parents and staff;
 - (ii) Assign staff responsible for transition of student records and for providing assistance to students and parents in transferring from the charter school to the district public, private, or home school chosen by the family;
 - (iii) Provide the names and contact information for staff responsible for transfer of student records to the central administration of the sponsoring school district, as well as the projected transition tasks and timelines to the sponsor.
- (b) Before closing the charter school the charter school management team shall:
- (i) Determine the amount of anticipated revenue due to the school as well as anticipated liabilities, and provide a complete asset and liability report to the sponsor;
 - (ii) Create a current and projected payroll and payroll benefits commitment;
 - (iii) List each employee, job, and the funds necessary to complete the educational calendar balance of the year, the transition of students and records, and the administrative close-down tasks;
 - (iv) Determine the total moneys required to complete contracts;
 - (v) Schedule an audit and set aside funds to cover costs; and
 - (vi) Provide the sponsor with a plan to close the school.

NEW SECTION. Sec. 12. FUNDING. (1) The publicly elected district school board provides funding for a charter school including regular apportionment, special education, categorical, student achievement, and other nonbasic education moneys. Allocations shall be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school's actual FTE enrollment, except that vocational education funding for grades nine through twelve shall be provided based on eighteen and one-half percent of the charter school's actual FTE enrollment for grades nine through twelve. A charter school is not eligible for enhanced small school assistance funding. Categorical funding shall be allocated to a charter school based on the same funding criteria used for noncharter public schools. A charter school is eligible to apply for state grants on the same basis as a school district. Those allocations to a charter school that are included in RCW 84.52.0531(3) (a) through (c) shall be included in the levy base of the district in which the charter school is located.

(2) For levies submitted to voters after the start-up date of a charter school, the school shall be included in levy planning, budgets, and funding distribution in the same manner as other district-sponsored public schools.

NEW SECTION. Sec. 13. STUDY OF CHARTER SCHOOLS. Subject to funding, the Washington institute for public policy shall study the implementation of charter school legislation in the forty states that have charter school laws and present data to the legislature by February 1, 2005, demonstrating that the system of charter schools in those states has provided innovative, high quality alternative programs for historically underserved populations of students; has not had a negative financial impact on the regular public school system; and that student achievement in charter schools exceeds student achievement in their public school counterparts, prior to the implementation of a charter school system in Washington state.

NEW SECTION. Sec. 14. CAPTIONS NOT LAW. Captions used in this chapter are not any part of the law.

NEW SECTION. Sec. 15. Sections 1 through 14 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "and adding a new chapter to Title 28A RCW."

Representatives Chase and Santos spoke in favor of the adoption of the amendment.

Representative DeBolt spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Quall, DeBolt, Linville, Hinkle, Hunter, Rockefeller, Tom, Talcott and McDonald spoke in favor of passage of the bill.

Representatives McDermott, Chase, Darneille, Cooper, Eickmeyer, Schual-Berke, Santos and Hunt spoke against the passage of the bill.

MOTION

On motion of Representative Santos, Representative Edwards was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2295.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2295 and the bill passed the House by the following vote: Yeas - 51, Nays - 46, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Chandler, Clibborn, Crouse, DeBolt, Delvin, Dickerson, Ericksen, Fromhold, Grant, Hinkle, Holmquist, Hunter, Jarrett, Kessler, Lantz, Linville, Mastin, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morris, Nixon, Orcutt, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Schindler, Sehlín, Shabro, Sommers, Talcott, Tom, Upthegrove, Woods and Mr. Speaker - 51.

Voting nay: Representatives Armstrong, Blake, Campbell, Carrell, Chase, Clements, Cody, Condotta, Conway, Cooper, Cox, Darneille, Dunshee, Eickmeyer, Flannigan, Haigh, Hankins, Hatfield, Hudgins, Hunt, Kagi, Kenney, Kirby, Kristiansen, Lovick, McCoy, McDermott, Moeller, Morrell, Murray, Newhouse, O'Brien, Ormsby, Pearson, Romero, Santos, Schoesler, Schual-Berke, D. Simpson, G. Simpson, Skinner, Sullivan, Sump, Voloria, Wallace and Wood - 46.

Excused: Representative Edwards - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

SECOND ENGROSSED HOUSE BILL NO. 1645,
SUBSTITUTE HOUSE BILL NO. 1995,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,
SUBSTITUTE HOUSE BILL NO. 2300,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354,
SUBSTITUTE HOUSE BILL NO. 2382,
HOUSE BILL NO. 2387,
SUBSTITUTE HOUSE BILL NO. 2431,
SUBSTITUTE HOUSE BILL NO. 2489,
HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,
SUBSTITUTE HOUSE BILL NO. 2635,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,
SUBSTITUTE HOUSE BILL NO. 2657,

SUBSTITUTE HOUSE BILL NO. 2707,
SUBSTITUTE HOUSE BILL NO. 2708,
HOUSE BILL NO. 2727,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 2811,
SUBSTITUTE HOUSE BILL NO. 2878,
HOUSE BILL NO. 3045,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078,
SUBSTITUTE HOUSE BILL NO. 3081,
SUBSTITUTE HOUSE BILL NO. 3083,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116,
SUBSTITUTE HOUSE BILL NO. 3141,
HOUSE BILL NO. 3172,
HOUSE JOINT MEMORIAL NO. 4007,

MESSAGES FROM THE SENATE

March 10, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6112,
SUBSTITUTE SENATE BILL NO. 6240,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6415,
SUBSTITUTE SENATE BILL NO. 6601,
SUBSTITUTE SENATE BILL NO. 6636,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The President has signed ENGROSSED SENATE BILL NO. 6411, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5168,
SUBSTITUTE SENATE BILL NO. 5436,
SUBSTITUTE SENATE BILL NO. 5677,
ENGROSSED SENATE BILL NO. 6158,
SUBSTITUTE SENATE BILL NO. 6341,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6401,
SENATE BILL NO. 6493,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6091,
SUBSTITUTE SENATE BILL NO. 6103,
SENATE BILL NO. 6143,
SUBSTITUTE SENATE BILL NO. 6261,
SUBSTITUTE SENATE BILL NO. 6325,
SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6501,
SUBSTITUTE SENATE BILL NO. 6581,
SUBSTITUTE SENATE BILL NO. 6688,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

MESSAGE FROM THE SENATE

March 8, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536 and asks the House to recede therefrom, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the rules were suspended and SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536 was returned to second reading for purpose of amendment.

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, By Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner, Reardon, Roach, Hale, Horn, Benton, Morton, Hewitt, Schmidt, Kastama, Sheahan, Mulliken, Johnson, Parlette, Stevens, West and Esser)

Resolving claims relating to condominium construction.

The bill was read the second time.

Representative Lantz moved the adoption of amendment (1209):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.34 RCW to read as follows:

(1) The legislature finds, declares, and determines that:

(a) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(b) The growth management act's planning goals include encouraging the availability of affordable housing for all residents of the state and promoting a variety of housing types;

(c) Quality condominium construction needs to be encouraged to achieve growth management act mandated urban densities and to ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices.

(2) It is the intent of the legislature that limited changes be made to the condominium act to ensure that a broad range of affordable homeownership opportunities continue to be available to the residents of the state, and to assist cities' and counties' efforts to achieve the density mandates of the growth management act.

Sec. 2. RCW 64.34.100 and 1989 c 43 s 1-113 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Except as otherwise provided in chapter 64.-- RCW (sections 101 through 2002 of this act), any right or obligation declared by this chapter is enforceable by judicial proceeding.

Sec. 3. RCW 64.34.324 and 1992 c 220 s 16 are each amended to read as follows:

(1) Unless provided for in the declaration, the bylaws of the association shall provide for:

(a) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(b) Election by the board of directors of such officers of the association as the bylaws specify;

(c) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(d) Which of its officers may prepare, execute, certify, and record amendments to the declaration on behalf of the association; ~~((and))~~

(e) The method of amending the bylaws; and

(f) A statement of the standard of care for officers and members of the board of directors imposed by RCW 64.34.308(1).

(2) Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

(3) In determining the qualifications of any officer or director of the association, notwithstanding the provision of RCW 64.34.020(32) the term "unit owner" in such context shall, unless the declaration or bylaws otherwise provide, be deemed to include any director, officer, partner in, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner. Any officer or director of the association who would not be eligible to serve as such if he or she were not a director, officer, partner in, or trustee of such a person shall be disqualified from continuing in office if he or she ceases to have any such affiliation with that person, or if that person would have been disqualified from continuing in such office as a natural person.

Sec. 4. RCW 64.34.425 and 1992 c 220 s 23 are each amended to read as follows:

(1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; ~~((and))~~

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association; and

(r) A statement, as required by section 301 of this act, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty.

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(l), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 5. RCW 64.34.445 and 1992 c 220 s 26 are each amended to read as follows:

(1) A declarant and any dealer warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear and damage by casualty or condemnation excepted.

(2) A declarant and any dealer impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

(a) Free from defective materials; ~~((and))~~

(b) Constructed in accordance with sound engineering and construction standards~~((, and))~~;

(c) Constructed in a workmanlike manner; and

(d) Constructed in compliance with all laws then applicable to such improvements.

(3) A declarant and any dealer warrants to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed by this section may be excluded or modified as specified in RCW 64.34.450.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant, as defined in RCW 64.34.020(1), are made or contracted for by the declarant.

(6) Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality.

(7) In a judicial proceeding for breach of any of the obligations arising under this section, the plaintiff must show that the alleged breach has adversely affected or will adversely affect the performance of that portion of the unit or common elements alleged to be in breach. As used in this subsection, an "adverse effect" must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the unit or common element uninhabitable or unfit for its intended purpose.

(8) Proof of breach of any obligation arising under this section is not proof of damages. Damages awarded for a breach of an obligation arising under this section are the cost of repairs. However, if it is established that the cost of such repairs is clearly disproportionate to the loss in market value caused by the breach, then damages shall be limited to the loss in market value.

Sec. 6. RCW 64.34.450 and 1989 c 43 s 4-113 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) of this section))~~ For units intended for nonresidential use, implied warranties of quality:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(2) ~~((With respect to a purchaser of a unit that may be occupied))~~ For units intended for residential use, no ~~((general))~~ disclaimer of implied warranties of quality is effective, ~~((but))~~ except that a declarant ~~((and any))~~ or dealer may disclaim liability in ~~((an instrument))~~ writing, in type that is bold faced, capitalized, underlined, or

otherwise set out from surrounding material so as to be conspicuous, and separately signed by the purchaser, for a specified defect or specified failure to comply with applicable law, if: (a) The declarant or dealer knows or has reason to know that the specific defect or failure ((entered into and became a part of the basis of the bargain)) exists at the time of disclosure; (b) the disclaimer specifically describes the defect or failure; and (c) the disclaimer includes a statement as to the effect of the defect or failure.

(3) A declarant or dealer may offer an express written warranty of quality only if the express written warranty does not reduce protections provided to the purchaser by the implied warranty set forth in RCW 64.34.445.

Sec. 7. RCW 64.34.452 and 2002 c 323 s 11 are each amended to read as follows:

(1) A judicial proceeding for breach of any obligations arising under RCW 64.34.443 ~~((and))~~, 64.34.445, and 64.34.450 must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such periods may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

(5) Nothing in this section affects the time for filing a claim under chapter 64.-- RCW (sections 101 through 2002 of this act).

NEW SECTION. Sec. 8. (1) A committee is established to study:

(a) The required use of independent third-party inspections of residential condominiums as a way to reduce the problem of water penetration in residential condominiums; and

(b) The use of arbitration or other forms of alternative dispute resolution to resolve disputes involving alleged breaches of implied or express warranties under chapter 64.34 RCW.

(2) The committee consists of the following members who shall be persons with experience and expertise in condominium law or condominium construction:

(a) A member, who shall be the chair of the committee, to be appointed by the governor;

(b) Three members to be appointed by the majority leader of the senate; and

(c) Three members to be appointed by the speaker of the house of representatives.

(3) The committee shall:

(a) Examine the problem of water penetration of condominiums and the efficacy of requiring independent third-party inspections of condominiums, including plan inspection and inspection during construction, as a way to reduce the problem of water penetration;

(b) Examine issues relating to alternative dispute resolution, including but not limited to:

(i) When and how the decision to use alternative dispute resolution is made;

(ii) The procedures to be used in an alternative dispute resolution;

(iii) The nature of the right of appeal from an alternative dispute resolution decision; and

(iv) The allocation of costs and fees associated with an alternative dispute resolution proceeding or appeal;

(c) Deliver to the judiciary committees of the senate and house of representatives, not later than December 31, 2004, a report of the findings and conclusions of the committee, and any proposed legislation implementing third-party water penetration inspections or providing for alternative dispute resolution for warranty issues.

Sec. 9. RCW 64.34.020 and 1992 c 220 s 2 are each amended to read as follows:

In the declaration and bylaws, unless specifically provided otherwise or the context requires otherwise, and in this chapter:

(1) "~~of a declarant~~" means any person who controls, is controlled by, or is under common control with ~~(a declarant)~~ the referenced person. A person "controls" ~~(a declarant)~~ another person if the person: (a) Is a general partner, officer, director, or employer of the ~~(declarant)~~ referenced person; (b) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the ~~(declarant)~~ referenced person; (c) controls in any manner the election of a majority of the directors of the ~~(declarant)~~ referenced person; or (d) has contributed more than twenty percent of the capital of the ~~(declarant)~~ referenced person. A person "is controlled by" ~~(a declarant)~~ another person if the ~~(declarant)~~ other person: (i) Is a general partner, officer, director, or employer of the person; (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty percent of the voting interest in the person; (iii) controls in any manner the election of a majority of the directors of the person; or (iv) has contributed more than twenty percent of the capital of the person. Control does not exist if the powers described in this subsection are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the undivided interest in the common elements, the common expense liability, and votes in the association allocated to each unit.

(3) "Assessment" means all sums chargeable by the association against a unit including, without limitation: (a) Regular and special assessments for common expenses, charges, and fines imposed by the association; (b) interest and late charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the association in connection with the collection of a delinquent owner's account.

(4) "Association" or "unit owners' association" means the unit owners' association organized under RCW 64.34.300.

(5) "Board of directors" means the body, regardless of name, with primary authority to manage the affairs of the association.

(6) "Common elements" means all portions of a condominium other than the units.

(7) "Common expenses" means expenditures made by or financial liabilities of the association, together with any allocations to reserves.

(8) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.34.224.

(9) "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

(10) "Conversion condominium" means a condominium (a) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in (b) of this subsection; or (b) that, at any time within twelve months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before July 1, 1990, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

(11) "Conveyance" means any transfer of the ownership of a unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold condominium, a transfer by lease or assignment thereof, but shall not include a transfer solely for security.

(12) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a condominium or fifty percent or more of the units in a condominium containing more than two units.

(13) "~~Declarant~~" means ~~((any person or group of persons acting in concert who))~~:

(a) Any person who executes as declarant a declaration as defined in subsection (15) of this section~~((;))~~;

or
(b) ~~((reserves or succeeds to any special declarant right under))~~ Any person who reserves any special declarant right in the declaration; or

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred;
or

(d) Any person who is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument.

(14) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint and remove officers and members of the board of directors, or to veto or approve a proposed action of the board or association, pursuant to RCW 64.34.308 (4) or (5).

(15) "Declaration" means the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document.

(16) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to: (a) Add real property or improvements to a condominium; (b) create units, common elements, or limited common elements within real property included or added to a condominium; (c) subdivide units or convert units into common elements; (d) withdraw real property from a condominium; or (e) reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(17) "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a unit, but does not include the transfer or release of a security interest.

(18) "Eligible mortgagee" means the holder of a mortgage on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(19) "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

(20) "Identifying number" means the designation of each unit in a condominium.

(21) "Leasehold condominium" means a condominium in which all or a portion of the real property is subject to a lease, the expiration or termination of which will terminate the condominium or reduce its size.

(22) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of RCW 64.34.204 (2) or (4) for the exclusive use of one or more but fewer than all of the units.

(23) "Master association" means an organization described in RCW 64.34.276, whether or not it is also an association described in RCW 64.34.300.

(24) "Mortgage" means a mortgage, deed of trust or real estate contract.

(25) "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

(26) "Purchaser" means any person, other than a declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a unit other than (a) a leasehold interest, including renewal options, of less than twenty years at the time of creation of the unit, or (b) as security for an obligation.

(27) "Real property" means any fee, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements thereon and easements, rights and interests appurtenant thereto which by custom, usage, or law pass with a conveyance of land although not described in the contract of sale or instrument of conveyance. "Real property" includes parcels, with or without upper or lower boundaries, and spaces that may be filled with air or water.

(28) "Residential purposes" means use for dwelling or recreational purposes, or both.

(29) "Special declarant rights" means rights reserved for the benefit of a declarant to: (a) Complete improvements indicated on survey maps and plans filed with the declaration under RCW 64.34.232; (b) exercise any development right under RCW 64.34.236; (c) maintain sales offices, management offices, signs advertising the condominium, and models under RCW 64.34.256; (d) use easements through the common elements for the purpose of making improvements within the condominium or within real property which may be added to the condominium under RCW 64.34.260; (e) make the condominium part of a larger condominium or a development under RCW 64.34.280; (f) make the condominium subject to a master association under RCW 64.34.276; or (g) appoint or remove any officer of the association or any master association or any member of the board of directors, or to veto or approve a proposed action of the board or association, during any period of declarant control under RCW 64.34.308(4).

(30) "Timeshare" shall have the meaning specified in the timeshare act, RCW 64.36.010(11).

(31) "Unit" means a physical portion of the condominium designated for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). "Separate ownership" includes leasing a unit in a leasehold condominium under a lease that expires contemporaneously with any lease, the expiration or termination of which will remove the unit from the condominium.

(32) "Unit owner" means a declarant or other person who owns a unit or leases a unit in a leasehold condominium under a lease that expires simultaneously with any lease, the expiration or termination of which will remove the unit from the condominium, but does not include a person who has an interest in a unit solely as security for an obligation. "Unit owner" means the vendee, not the vendor, of a unit under a real estate contract.

Sec. 10. RCW 64.34.312 and 1989 c 43 s 3-104 are each amended to read as follows:

(1) Within sixty days after the termination of the period of declarant control provided in RCW 64.34.308(4) or, in the absence of such period, within sixty days after the first conveyance of a unit in the condominium, the declarant shall deliver to the association all property of the unit owners and of the association held or controlled by the declarant including, but not limited to:

(a) The original or a photocopy of the recorded declaration and each amendment to the declaration;

- (b) The certificate of incorporation and a copy or duplicate original of the articles of incorporation of the association as filed with the secretary of state;
- (c) The bylaws of the association;
- (d) The minute books, including all minutes, and other books and records of the association;
- (e) Any rules and regulations that have been adopted;
- (f) Resignations of officers and members of the board who are required to resign because the declarant is required to relinquish control of the association;
- (g) The financial records, including canceled checks, bank statements, and financial statements of the association, and source documents from the time of incorporation of the association through the date of transfer of control to the unit owners;
- (h) Association funds or the control of the funds of the association;
- (i) All tangible personal property of the association, represented by the declarant to be the property of the association or ostensibly the property of the association, and an inventory of the property;
- (j) Except for alterations to a unit done by a unit owner other than the declarant, a copy of the declarant's plans and specifications utilized in the construction or remodeling of the condominium, with a certificate of the declarant or a licensed architect or engineer that the plans and specifications represent, to the best of their knowledge and belief, the actual plans and specifications utilized by the declarant in the construction or remodeling of the condominium;
- (k) Insurance policies or copies thereof for the condominium and association;
- (l) Copies of any certificates of occupancy that may have been issued for the condominium;
- (m) Any other permits issued by governmental bodies applicable to the condominium in force or issued within one year before the date of transfer of control to the unit owners;
- (n) All written warranties that are still in effect for the common elements, or any other areas or facilities which the association has the responsibility to maintain and repair, from the contractor, subcontractors, suppliers, and manufacturers and all owners' manuals or instructions furnished to the declarant with respect to installed equipment or building systems;
- (o) A roster of unit owners and eligible mortgagees and their addresses and telephone numbers, if known, as shown on the declarant's records and the date of closing of the first sale of each unit sold by the declarant;
- (p) Any leases of the common elements or areas and other leases to which the association is a party;
- (q) Any employment contracts or service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have an obligation or a responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service; ~~((and))~~
- (r) A copy of any qualified warranty issued to the association as provided for in section 1001 of this act;

and

s All other contracts to which the association is a party.

(2) Upon the transfer of control to the unit owners, the records of the association shall be audited as of the date of transfer by an independent certified public accountant in accordance with generally accepted auditing standards unless the unit owners, other than the declarant, by two-thirds vote elect to waive the audit. The cost of the audit shall be a common expense unless otherwise provided in the declaration. The accountant performing the audit shall examine supporting documents and records, including the cash disbursements and related paid invoices, to determine if expenditures were for association purposes and the billings, cash receipts, and related records to determine if the declarant was charged for and paid the proper amount of assessments.

Sec. 11. RCW 64.34.410 and 2002 c 323 s 10 are each amended to read as follows:

- (1) A public offering statement shall contain the following information:
 - (a) The name and address of the condominium;
 - (b) The name and address of the declarant;
 - (c) The name and address of the management company, if any;
 - (d) The relationship of the management company to the declarant, if any;
 - (e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;
 - (f) The nature of the interest being offered for sale;
 - (g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;
 - (h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;
 - (i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;
 - (j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;

- (k) A list of the limited common elements assigned to the units being offered for sale;
- (l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;
- (m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;
- (n) The status of construction of the units and common elements, including estimated dates of completion if not completed;
- (o) The estimated current common expense liability for the units being offered;
- (p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;
- (q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;
- (r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;
- (s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;
- (t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;
- (u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;
- (v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;
- (w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;
- (x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);
- (y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;
- (z) A brief description of any construction warranties to be provided to the purchaser;
- (aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;
- (bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;
- (cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;
- (dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;
- (ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;
- (ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);
- (gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;
- (hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;
- (ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;
- (jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;
- (kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; ~~(and)~~
- (ll) A notice that is substantially in the form required by RCW 64.50.050; and

(mm) A statement, as required by section 301 of this act, as to whether the units or common elements of the condominium are covered by a qualified warranty, and a history of claims under any such warranty.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, and the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), s, (u), (v), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

NEW SECTION. Sec. 12. Sections 5 and 6 of this act apply only to condominiums created by declarations recorded on or after July 1, 2004.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act take effect July 1, 2004.

ARTICLE 1 GENERAL PROVISIONS

NEW SECTION. Sec. 101. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" has the meaning in RCW 64.34.020.

(2) "Association" has the meaning in RCW 64.34.020.

(3) "Building envelope" means the assemblies, components, and materials of a building that are intended to separate and protect the interior space of the building from the adverse effects of exterior climatic conditions.

(4) "Common element" has the meaning in RCW 64.34.020.

(5) "Condominium" has the meaning in RCW 64.34.020.

(6) "Construction professional" has the meaning in RCW 64.50.010.

(7) "Conversion condominium" has the meaning in RCW 64.34.020.

(8) "Declarant" has the meaning in RCW 64.34.020.

(9) "Declarant control" has the meaning in RCW 64.34.020.

(10) "Defect" means any aspect of a condominium unit or common element which constitutes a breach of the implied warranties set forth in RCW 64.34.445.

(11) "Limited common element" has the meaning in RCW 64.34.020.

(12) "Material" means substantive, not simply formal; significant to a reasonable person; not trivial or insignificant. When used with respect to a particular construction defect, "material" does not require that the construction defect render the unit or common element unfit for its intended purpose or uninhabitable.

(13) "Mediation" means a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.

(14) "Mediation session" means a meeting between two or more parties to a dispute during which they are engaged in mediation.

(15) "Mediator" means a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.

(16) "Person" has the meaning in RCW 64.34.020.

(17) "Public offering statement" has the meaning in RCW 64.34.410.

(18) "Qualified insurer" means an entity that holds a certificate of authority under RCW 48.05.030, or an eligible insurer under chapter 48.15 RCW.

(19) "Qualified warranty" means an insurance policy issued by a qualified insurer that complies with the requirements of this chapter. A qualified warranty includes coverage for repair of physical damage caused by the defects covered by the qualified warranty, except to the extent of any exclusions and limitations under this chapter.

- (20) "Resale certificate" means the statement to be delivered by the association under RCW 64.34.425.
- (21) "Transition date" means the date on which the declarant is required to deliver to the association the property of the association under RCW 64.34.312.
- (22) "Unit" has the meaning in RCW 64.34.020.
- (23) "Unit owner" has the meaning in RCW 64.34.020.

ARTICLE 2
EXCLUSIVE REMEDY AND PROCEDURE
IN CASES WHERE A QUALIFIED WARRANTY IS PROVIDED

NEW SECTION. Sec. 201. No declarant, affiliate of a declarant, or construction professional is liable to a unit owner or an association for damages awarded for repair of construction defects and resulting physical damage, and chapter 64.50 RCW shall not apply if: (1) Every unit is the subject of a qualified warranty; and (2) the association has been issued a qualified warranty with respect to the common elements. If a construction professional agrees on terms satisfactory to the qualified insurer to partially or fully indemnify the qualified insurer with respect to a defect caused by the construction professional, the liability of the construction professional for the defect and resulting physical damage caused by him or her shall not exceed damages recoverable under the terms of the qualified warranty for the defect. Any indemnity claim by the qualified insurer shall be by separate action or arbitration, and no unit owner or association shall be joined therein. A qualified warranty may also be provided in the case of improvements made or contracted for by a declarant as part of a conversion condominium, and in such case, declarant's liability with respect to such improvements shall be limited as set forth in this section.

ARTICLE 3
DISCLOSURE

NEW SECTION. Sec. 301. (1) Every public offering statement and resale certificate shall affirmatively state whether or not the unit and/or the common elements are covered by a qualified warranty, and shall provide to the best knowledge of the person preparing the public offering statement or resale certificate a history of claims under the warranty.

(2) The history of claims must include, for each claim, not less than the following information for the unit and/or the common elements, as applicable, to the best knowledge of the person providing the information:

- (a) The type of claim that was made;
- (b) The resolution of the claim;
- (c) The type of repair performed;
- (d) The date of the repair;
- (e) The cost of the repair; and
- (f) The name of the person or entity who performed the repair.

ARTICLE 4
MINIMUM COVERAGE STANDARDS FOR QUALIFIED WARRANTIES

NEW SECTION. Sec. 401. TWO-YEAR MATERIALS AND LABOR WARRANTY. (1) The minimum coverage for the two-year materials and labor warranty is:

- (a) In the first twelve months, for other than the common elements, (i) coverage for any defect in materials and labor; and (ii) subject to subsection (2) of this section, coverage for a violation of the building code;
- (b) In the first fifteen months, for the common elements, (i) coverage for any defect in materials and labor; and (ii) subject to subsection (2) of this section, coverage for a violation of the building code;
- (c) In the first twenty-four months, (i) coverage for any defect in materials and labor supplied for the electrical, plumbing, heating, ventilation, and air conditioning delivery and distribution systems; (ii) coverage for any defect in materials and labor supplied for the exterior cladding, caulking, windows, and doors that may lead to detachment or material damage to the unit or common elements; (iii) coverage for any defect in materials and labor which renders the unit unfit to live in; and (iv) subject to subsection (2) of this section, coverage for a violation of the building code.

(2) Noncompliance with the building code is considered a defect covered by a qualified warranty if the noncompliance:

- (a) Constitutes an unreasonable health or safety risk; or
- (b) Has resulted in, or is likely to result in, material damage to the unit or common elements.

NEW SECTION. Sec. 402. FIVE-YEAR BUILDING ENVELOPE WARRANTY. The minimum coverage for the building envelope warranty is five years for defects in the building envelope of a condominium,

including a defect which permits unintended water penetration so that it causes, or is likely to cause, material damage to the unit or common elements.

NEW SECTION. Sec. 403. TEN-YEAR STRUCTURAL DEFECTS WARRANTY. The minimum coverage for the structural defects warranty is ten years for:

- (1) Any defect in materials and labor that results in the failure of a load-bearing part of the condominium; and
- (2) Any defect which causes structural damage that materially and adversely affects the use of the condominium for residential occupancy.

NEW SECTION. Sec. 404. BEGINNING DATES FOR WARRANTY COVERAGE. (1) For the unit, the beginning date of the qualified warranty coverage is the earlier of:

- (a) Actual occupancy of the unit; or
 - (b) Transfer of legal title to the unit.
- (2) For the common elements, the beginning date of a qualified warranty is the date a temporary or final certificate of occupancy is issued for the common elements in each separate multiunit building, comprised by the condominium.

NEW SECTION. Sec. 405. BEGINNING DATES FOR SPECIAL CASES; DECLARANT CONTROL. (1) If an unsold unit is occupied as a rental unit, the qualified warranty beginning date for such unit is the date the unit is first occupied.

(2) If the declarant subsequently offers to sell a unit which is rented, the declarant must disclose, in writing, to each prospective purchaser, the date on which the qualified warranty expires.

(3) If the declarant retains any declarant control over the association on the date that is fourteen full calendar months following the month in which the beginning date for common element warranty coverage commences, the declarant shall within thirty days thereafter cause an election to be held in which the declarant may not vote, for the purpose of electing one or more board members who are empowered to make warranty claims. If at such time, one or more independent board members hold office, no additional election need be held, and such independent board members are empowered to make warranty claims. The declarant shall inform all independent board members of their right to make warranty claims at no later than sixteen full calendar months following the beginning date of the common element warranty.

NEW SECTION. Sec. 406. LIVING EXPENSE ALLOWANCE. (1) If repairs are required under the qualified warranty and damage to the unit, or the extent of the repairs renders the unit uninhabitable, the qualified warranty must cover reasonable living expenses incurred by the owner to live elsewhere in an amount commensurate with the nature of the unit.

(2) If a qualified insurer establishes a maximum amount per day for claims for living expenses, the limit must be the greater of one hundred dollars per day or a reasonable amount commensurate with the nature of the unit for the complete reimbursement of the actual accommodation expenses incurred by the owner at a hotel, motel, or other rental accommodation up to the day the unit is ready for occupancy, subject to the owner receiving twenty-four hours' advance notice.

NEW SECTION. Sec. 407. WARRANTY ON REPAIRS AND REPLACEMENTS. (1) All repairs and replacements made under a qualified warranty must be warranted by the qualified warranty against defects in materials and labor until the later of:

- (a) The first anniversary of the date of completion of the repair or replacement; or
 - (b) The expiration of the applicable qualified warranty coverage.
- (2) All repairs and replacements made under a qualified warranty must be completed in a reasonable manner using materials and labor conforming to the building code and industry standards.

ARTICLE 5 PERMITTED TERMS FOR QUALIFIED WARRANTIES

NEW SECTION. Sec. 501. A qualified insurer may include any of the following provisions in a qualified warranty:

(1) If the qualified insurer makes a payment or assumes liability for any payment or repair under a qualified warranty, the owner and association must fully support and assist the qualified insurer in pursuing any rights that the qualified insurer may have against the declarant, and any construction professional that has contractual or common law obligations to the declarant, whether such rights arose by contract, subrogation, or otherwise.

(2) Warranties or representations made by a declarant which are in addition to the warranties set forth in this chapter are not binding on the qualified insurer unless and to the extent specifically provided in the text of the

warranty; and disclaimers of specific defects made by agreement between the declarant and the unit purchaser under RCW 64.34.450 act as an exclusion of the specified defect from the warranty coverage.

(3) An owner and the association must permit the qualified insurer or declarant, or both, to enter the unit at reasonable times, after reasonable notice to the owner and the association:

- (a) To monitor the unit or its components;
- (b) To inspect for required maintenance;
- (c) To investigate complaints or claims; or
- (d) To undertake repairs under the qualified warranty.

If any reports are produced as a result of any of the activities referred to in (a) through (d) of this subsection, the reports must be provided to the owner and the association.

(4) An owner and the association must provide to the qualified insurer all information and documentation that the owner and the association have available, as reasonably required by the qualified insurer to investigate a claim or maintenance requirement, or to undertake repairs under the qualified warranty.

(5) To the extent any damage to a unit is caused or made worse by the unreasonable refusal of the association, or an owner or occupant to permit the qualified insurer or declarant access to the unit for the reasons in subsection (3) of this section, or to provide the information required by subsection (4) of this section, that damage is excluded from the qualified warranty.

(6) In any claim under a qualified warranty issued to the association, the association shall have the sole right to prosecute and settle any claim with respect to the common elements.

ARTICLE 6 PERMITTED EXCLUSIONS FROM QUALIFIED WARRANTIES--GENERAL

NEW SECTION. Sec. 601. (1) A qualified insurer may exclude from a qualified warranty:

- (a) Landscaping, both hard and soft, including plants, fencing, detached patios, planters not forming a part of the building envelope, gazebos, and similar structures;
 - (b) Any commercial use area and any construction associated with a commercial use area;
 - (c) Roads, curbs, and lanes;
 - (d) Subject to subsection (2) of this section, site grading and surface drainage except as required by the building code;
 - (e) Municipal services operation, including sanitary and storm sewer;
 - (f) Septic tanks or septic fields;
 - (g) The quality or quantity of water, from either a piped municipal water supply or a well;
 - (h) A water well, but excluding equipment installed for the operation of a water well used exclusively for a unit, which equipment is part of the plumbing system for that unit for the purposes of the qualified warranty.
- (2) The exclusions permitted by subsection (1) of this section do not include any of the following:
- (a) A driveway or walkway;
 - (b) Recreational and amenity facilities situated in, or included as the common property of, a unit;
 - (c) A parking structure in a multiunit building;
 - (d) A retaining wall that:
 - (i) An authority with jurisdiction requires to be designed by a professional engineer; or
 - (ii) Is reasonably required for the direct support of, or retaining soil away from, a unit, driveway, or walkway.

ARTICLE 7 PERMITTED EXCLUSIONS--DEFECTS

NEW SECTION. Sec. 701. A qualified insurer may exclude any or all of the following items from a qualified warranty:

- (1) Weathering, normal wear and tear, deterioration, or deflection consistent with normal industry standards;
- (2) Normal shrinkage of materials caused by drying after construction;
- (3) Any loss or damage which arises while a unit is being used primarily or substantially for nonresidential purposes;
- (4) Materials, labor, or design supplied by an owner;
- (5) Any damage to the extent caused or made worse by an owner or third party, including:
 - (a) Negligent or improper maintenance or improper operation by anyone other than the declarant or its employees, agents, or subcontractors;
 - (b) Failure of anyone, other than the declarant or its employees, agents, or subcontractors, to comply with the warranty requirements of the manufacturers of appliances, equipment, or fixtures;
 - (c) Alterations to the unit, including converting nonliving space into living space or converting a unit into two or more units, by anyone other than the declarant or its employees, agents, or subcontractors while undertaking their obligations under the sales contract; and

- (d) Changes to the grading of the ground by anyone other than the declarant or its employees, agents, or subcontractors;
- (6) An owner failing to take timely action to prevent or minimize loss or damage, including failing to give prompt notice to the qualified insurer of a defect or discovered loss, or a potential defect or loss;
- (7) Any damage caused by insects, rodents, or other animals, unless the damage results from noncompliance with the building code by the declarant or its employees, agents, or subcontractors;
- (8) Accidental loss or damage from acts of nature including, but not limited to, fire, explosion, smoke, water escape, glass breakage, windstorm, hail, lightning, falling trees, aircraft, vehicles, flood, earthquake, avalanche, landslide, and changes in the level of the underground water table which are not reasonably foreseeable by the declarant;
- (9) Bodily injury or damage to personal property or real property which is not part of a unit;
- (10) Any defect in, or caused by, materials or work supplied by anyone other than the declarant, an affiliate of a declarant, or their respective contractors, employees, agents, or subcontractors;
- (11) Changes, alterations, or additions made to a unit by anyone after initial occupancy, except those performed by the declarant or its employees, agents, or subcontractors as required by the qualified warranty or under the construction contract or sales agreement;
- (12) Contaminated soil;
- (13) Subsidence of the land around a unit or along utility lines, other than subsidence beneath footings of a unit or under driveways or walkways;
- (14) Diminution in the value of the unit.

ARTICLE 8 MONETARY LIMITS ON QUALIFIED WARRANTY COVERAGE

NEW SECTION. Sec. 801. (1) A qualified insurer may establish a monetary limit on the amount of the warranty. Any limit must not be less than:

- (a) For a unit, the lesser of (i) the original purchase price paid by the owner, or (ii) one hundred thousand dollars;
 - (b) For common elements, the lesser of (i) the total original purchase price for all components of the multiunit building, or (ii) one hundred fifty thousand dollars times the number of units of the condominium.
- (2) When calculating the cost of warranty claims under the standard limits under a qualified warranty, a qualified insurer may include:
- (a) The cost of repairs;
 - (b) The cost of any investigation, engineering, and design required for the repairs; and
 - (c) The cost of supervision of repairs, including professional review, but excluding legal costs.
- (3) The minimum amounts in subsections (1) and (2) of this section shall be adjusted at the end of each calendar year after the effective date by an amount equal to the percentage change in the consumer price index for all urban consumers, all items, as published from time to time by the United States department of labor. The adjustment does not affect any qualified warranty issued before the adjustment date.

ARTICLE 9 PROHIBITED POLICY PROVISIONS

NEW SECTION. Sec. 901. (1) A qualified insurer must not include in a qualified warranty any provision that requires an owner or the association:

- (a) To sign a release before repairs are performed under the qualified warranty; or
 - (b) To pay a deductible in excess of five hundred dollars for the repair of any defect in a unit covered by the qualified warranty, or in excess of the lesser of five hundred dollars per unit or ten thousand dollars in the aggregate for any defect in the common elements.
- (2) All exclusions must be permitted by this chapter and stated in the qualified warranty.

ARTICLE 10 CONSEQUENCES OF NOT PROVIDING INFORMATION

NEW SECTION. Sec. 1001. (1) If coverage under a qualified warranty is conditional on an owner undertaking proper maintenance, or if coverage is excluded for damage caused by negligence by the owner or association with respect to maintenance or repair by the owner or association, the conditions or exclusions apply only to maintenance requirements or procedures: (a) Provided to the original owner in the case of the unit warranty, and to the association for the common element warranty with an estimation of the required cost thereof for the common element warranty provided in the budget prepared by the declarant; or (b) that would be obvious to a reasonable and prudent layperson. Recommended maintenance requirements and procedures are sufficient

for purposes of this subsection if consistent with knowledge generally available in the construction industry at the time the qualified warranty is issued.

(2) If an original owner or the association has not been provided with the manufacturer's documentation or warranty information, or both, or with recommended maintenance and repair procedures for any component of a unit, the relevant exclusion does not apply. The common element warranty is included in the written warranty to be provided to the association under RCW 64.34.312.

ARTICLE 11 MANDATORY NOTICE OF EXPIRATION OF WARRANTY

NEW SECTION. Sec. 1101. (1) A qualified insurer must, as soon as reasonably possible after the beginning date for the qualified warranty, provide an owner and association with a schedule of the expiration dates for coverages under the qualified warranty as applicable to the unit and the common elements, respectively.

(2) The expiration date schedule for a unit must set out all the required dates on an adhesive label that is a minimum size of four inches by four inches and is suitable for affixing by the owner in a conspicuous location in the unit.

ARTICLE 12 DUTY TO MITIGATE

NEW SECTION. Sec. 1201. (1) The qualified insurer may require an owner or association to mitigate any damage to a unit or the common elements, including damage caused by defects or water penetration, as set out in the qualified warranty.

(2) Subject to subsection (3) of this section, for defects covered by the qualified warranty, the duty to mitigate is met through timely notice in writing to the qualified insurer.

(3) The owner must take all reasonable steps to restrict damage to the unit if the defect requires immediate attention.

(4) The owner's duty to mitigate survives even if:

(a) The unit is unoccupied;

(b) The unit is occupied by someone other than the owner;

(c) Water penetration does not appear to be causing damage; or

(d) The owner advises the homeowners' association corporation about the defect.

(5) If damage to a unit is caused or made worse by the failure of an owner to take reasonable steps to mitigate as set out in this section, the damage may, at the option of the qualified insurer, be excluded from qualified warranty coverage.

ARTICLE 13 NOTICE OF CLAIM

NEW SECTION. Sec. 1301. (1) Within a reasonable time after the discovery of a defect and before the expiration of the applicable qualified warranty coverage, a claimant must give to the qualified insurer and the declarant written notice in reasonable detail that provides particulars of any specific defects covered by the qualified warranty.

(2) The qualified insurer may require the notice under subsection (1) of this section to include:

(a) The qualified warranty number; and

(b) Copies of any relevant documentation and correspondence between the claimant and the declarant, to the extent any such documentation and correspondence is in the control or possession of the claimant.

ARTICLE 14 HANDLING OF CLAIMS

NEW SECTION. Sec. 1401. A qualified insurer must, on receipt of a notice of a claim under a qualified warranty, promptly make reasonable attempts to contact the claimant to arrange an evaluation of the claim. Claims shall be handled in accordance with the claims procedures set forth in rules by the insurance commissioner, and as follows:

(1) The qualified insurer must make all reasonable efforts to avoid delays in responding to a claim under a qualified warranty, evaluating the claim, and scheduling any required repairs.

(2) If, after evaluating a claim under a qualified warranty, the qualified insurer determines that the claim is not valid, or not covered under the qualified warranty, the qualified insurer must: (a) Notify the claimant of the decision in writing; (b) set out the reasons for the decision; and (c) set out the rights of the parties under the third-party dispute resolution process for the warranty.

(3) Repairs must be undertaken in a timely manner, with reasonable consideration given to weather conditions and the availability of materials and labor.

(4) On completing any repairs, the qualified insurer must deliver a copy of the repair specifications to the claimant along with a letter confirming the date the repairs were completed and referencing the repair warranty provided for in section 407 of this act.

ARTICLE 15 MEDIATION OF DISPUTED CLAIMS

NEW SECTION. Sec. 1501. (1) If a dispute between a qualified insurer and a claimant arising under a qualified warranty cannot be resolved by informal negotiation within a reasonable time, the claimant or qualified insurer may require that the dispute be referred to mediation by delivering written notice to the other to mediate.

(2) If a party delivers a request to mediate under subsection (1) of this section, the qualified insurer and the party must attend a mediation session in relation to the dispute and may invite to participate in the mediation any other party to the dispute who may be liable.

(3) Within twenty-one days after the party has delivered a request to mediate under subsection (1) of this section, the parties must, directly or with the assistance of an independent, neutral person or organization, jointly appoint a mutually acceptable mediator.

(4) If the parties do not jointly appoint a mutually acceptable mediator within the time required by subsection (3) of this section, the party may apply to the superior court of the county where the project is located, which must appoint a mediator taking into account:

- (a) The need for the mediator to be neutral and independent;
- (b) The qualifications of the mediator;
- (c) The mediator's fees;
- (d) The mediator's availability; and
- (e) Any other consideration likely to result in the selection of an impartial, competent, and effective mediator.

(5) After selecting the mediator under subsection (4) of this section, the superior court must promptly notify the parties in writing of that selection.

(6) The mediator selected by the superior court is deemed to be appointed by the parties effective the date of the notice sent under subsection (5) of this section.

(7) The first mediation session must occur within twenty-one days of the appointment of the mediator at the date, time, and place selected by the mediator.

(8) A party may attend a mediation session by representative if:

- (a) The party is under a legal disability and the representative is that party's guardian ad litem;
- (b) The party is not an individual; or
- (c) The party is a resident of a jurisdiction other than Washington and will not be in Washington at the time of the mediation session.

(9) A representative who attends a mediation session in the place of a party as permitted by subsection (8) of this section:

(a) Must be familiar with all relevant facts on which the party, on whose behalf the representative attends, intends to rely; and

(b) Must have full authority to settle, or have immediate access to a person who has full authority to settle, on behalf of the party on whose behalf the representative attends.

(10) A party or a representative who attends the mediation session may be accompanied by counsel.

(11) Any other person may attend a mediation session on consent of all parties or their representatives.

(12) At least seven days before the first mediation session is to be held, each party must deliver to the mediator a statement briefly setting out:

- (a) The facts on which the party intends to rely; and
- (b) The matters in dispute.

(13) The mediator must promptly send each party's statement to each of the other parties.

(14) Before the first mediation session, the parties must enter into a retainer agreement with the mediator which must:

- (a) Disclose the cost of the mediation services; and
- (b) Provide that the cost of the mediation will be paid:
 - (i) Equally by the parties; or
 - (ii) On any other specified basis agreed by the parties.

(15) The mediator may conduct the mediation in any manner he or she considers appropriate to assist the parties to reach a resolution that is timely, fair, and cost-effective.

(16) A person may not disclose, or be compelled to disclose, in any proceeding, oral or written information acquired or an opinion formed, including, without limitation, any offer or admission made in anticipation of or during a mediation session.

(17) Nothing in subsection (16) of this section precludes a party from introducing into evidence in a proceeding any information or records produced in the course of the mediation that are otherwise producible or compellable in those proceedings.

(18) A mediation session is concluded when:

(a) All issues are resolved;

(b) The mediator determines that the process will not be productive and so advises the parties or their representatives; or

(c) The mediation session is completed and there is no agreement to continue.

(19) If the mediation resolves some but not all issues, the mediator may, at the request of all parties, complete a report setting out any agreements made as a result of the mediation, including, without limitation, any agreements made by the parties on any of the following:

(a) Facts;

(b) Issues; and

(c) Future procedural steps.

ARTICLE 16 ARBITRATION

NEW SECTION. Sec. 1601. A qualified warranty may include mandatory binding arbitration of all disputes arising out of or in connection with a qualified warranty. The provision may provide that all claims for a single condominium be heard by the same arbitrator, but shall not permit the joinder or consolidation of any other person or entity. The arbitration shall comply with the following minimum procedural standards:

(1) Any demand for arbitration shall be delivered by certified mail return receipt requested, and by ordinary first class mail. The party initiating the arbitration shall address the notice to the address last known to the initiating party in the exercise of reasonable diligence, and also, for any entity which is required to have a registered agent in the state of Washington, to the address of the registered agent. Demand for arbitration is deemed effective three days after the date deposited in the mail;

(2) All disputes shall be heard by one qualified arbitrator, unless the parties agree to use three arbitrators. If three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. The parties shall select the identity and number of the arbitrator or arbitrators after the demand for arbitration is made. If, within thirty days after the effective date of the demand for arbitration, the parties fail to agree on an arbitrator or the agreed number of arbitrators fail to be appointed, then an arbitrator or arbitrators shall be appointed under RCW 7.04.050 by the presiding judge of the superior court of the county in which the condominium is located;

(3) In any arbitration, at least one arbitrator must be a lawyer or retired judge. Any additional arbitrator must be either a lawyer or retired judge or a person who has experience with construction and engineering standards and practices, written construction warranties, or construction dispute resolution. No person may serve as an arbitrator in any arbitration in which that person has any past or present financial or personal interest;

(4) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator is bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing, but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. The parties and the arbitrator shall use all reasonable efforts to complete the arbitration within six months of the effective date of the demand for arbitration or, when applicable, the service of the list of defects in accordance with RCW 64.50.030;

(5) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04 RCW, unless the parties elect to use the construction industry arbitration rules of the American arbitration association, which are permitted to the extent not inconsistent with this section. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. All other expenses of arbitration shall be borne equally by the parties, unless all parties agree otherwise or unless the arbitrator awards expenses or any part thereof to any specified party or parties. The parties shall pay the fees of the arbitrator as and when specified by the arbitrator;

(6) Demand for arbitration given pursuant to subsection (1) of this section commences a judicial proceeding for purposes of RCW 64.34.452;

(7) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

ARTICLE 17 ATTORNEYS' FEES

NEW SECTION. Sec. 1701. In any judicial proceeding or arbitration brought to enforce the terms of a qualified warranty, the court or arbitrator may award reasonable attorneys' fees to the substantially prevailing party. In no event may such fees exceed the reasonable hourly value of the attorney's work.

ARTICLE 18 TRANSFER

NEW SECTION. Sec. 1801. (1) A qualified warranty pertains solely to the unit and common elements for which it provides coverage and no notice to the qualified insurer is required on a change of ownership.

(2) All of the applicable unused benefits under a qualified warranty with respect to a unit are automatically transferred to any subsequent owner on a change of ownership.

ARTICLE 19 ACCEPTANCE OF DECLARANT FOR QUALIFIED WARRANTY

NEW SECTION. Sec. 1901. (1) No insurer is bound to offer a qualified warranty to any person. Except as specifically set forth in this section, the terms of any qualified warranty are set in the sole discretion of the qualified insurer. Without limiting the generality of this subsection, a qualified insurer may make inquiries about the applicant as follows:

(a) Does the applicant have the financial resources to undertake the construction of the number of units being proposed by the applicant's business plan for the following twelve months;

(b) Does the applicant and its directors, officers, employees, and consultants possess the necessary technical expertise to adequately perform their individual functions with respect to their proposed role in the construction and sale of units;

(c) Does the applicant and its directors and officers have sufficient experience in business management to properly manage the unit construction process;

(d) Does the applicant and its directors, officers, and employees have sufficient practical experience to undertake the proposed unit construction;

(e) Does the past conduct of the applicant and its directors, officers, employees, and consultants provide a reasonable indication of good business practices, and reasonable grounds for belief that its undertakings will be carried on in accordance with all legal requirements; and

(f) Is the applicant reasonably able to provide, or to cause to be provided, after-sale customer service for the units to be constructed.

(2) A qualified insurer may charge a fee to make the inquiries permitted by subsection (1) of this section.

(3) Before approving a qualified warranty for a condominium, a qualified insurer may make such inquiries and impose such conditions as it deems appropriate in its sole discretion, including without limitation the following:

(a) To determine if the applicant has the necessary capitalization or financing in place, including any reasonable contingency reserves, to undertake construction of the proposed unit;

(b) To determine if the applicant or, in the case of a corporation, its directors, officers, employees, and consultants possess reasonable technical expertise to construct the proposed unit, including specific technical knowledge or expertise in any building systems, construction methods, products, treatments, technologies, and testing and inspection methods proposed to be employed;

(c) To determine if the applicant or, in the case of a corporation, its directors, officers, employees, and consultants have sufficient practical experience in the specific types of construction to undertake construction of the proposed unit;

(d) To determine if the applicant has sufficient personnel and other resources to adequately undertake the construction of the proposed unit in addition to other units which the applicant may have under construction or is currently marketing;

(e) To determine if:

(i) The applicant is proposing to engage a general contractor to undertake all or a significant portion of the construction of the proposed unit; and

(ii) The general contractor meets the criteria set out in this section;

(f) Requiring that a declarant provide security in a form suitable to the qualified insurer;

(g) Establishing or requiring compliance with specific construction standards for the unit;

(h) Restricting the applicant from constructing some types of units or using some types of construction or systems;

(i) Requiring the use of specific types of systems, consultants, or personnel for the construction;

(j) Requiring an independent review of the unit building plans or consultants' reports or any part thereof;

(k) Requiring third-party verification or certification of the construction of the unit or any part thereof;

(l) Providing for inspection of the unit or any part thereof during construction;

(m) Requiring ongoing monitoring of the unit, or one or more of its components, following completion of construction;

(n) Requiring that the declarant or any of the design professionals, engineering professionals, consultants, general contractors, or subcontractors maintain minimum levels of insurance, bonding, or other security naming the potential owners and qualified insurer as loss payees or beneficiaries of the insurance, bonding, or security to the extent possible;

- (o) Requiring that the declarant provide a list of all design professionals and other consultants who are involved in the design or construction inspection, or both, of the unit;
- (p) Requiring that the declarant provide a list of trades employed in the construction of the unit, and requiring evidence of their current trade's certification, if applicable.

ARTICLE 20 MISCELLANEOUS

NEW SECTION. **Sec. 2001.** All qualified warrantees shall be deemed to be "insurance" for purposes of RCW 48.01.040, and shall be regulated as such.

NEW SECTION. **Sec. 2002.** Captions and part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 2003.** Sections 101 through 2002 of this act constitute a new chapter in Title 64 RCW."

Correct the title.

Representatives Lantz and Tom spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Tom spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5536, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5536, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6485 and asks the House to recede therefrom, and the same is herewith transmitted.

There being no objection, the rules were suspended and SENATE BILL NO. 6485 was returned to second reading for purpose of amendment.

SECOND READING

SENATE BILL NO. 6485, By Senators Deccio and Winsley

Improving the regulatory environment for hospitals.

The bill was read the second time.

Representative Cody moved the adoption of amendment (1197):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of health, in cooperation with the Washington state hospital association, shall oversee a pilot project to implement and evaluate strategies to reduce the burden on hospitals, and improve the quality and efficiency, of hospital surveys or audits.

(2) The pilot project shall also include the state auditor's office, the department of revenue, the department of social and health services, the state board of pharmacy, the department of ecology, the office of the state fire marshal, the department of labor and industries, local building and fire officials, and the joint commission on accreditation of health care organizations.

(3) Strategies to be implemented and evaluated by the pilot project include, but are not limited to, providing notice of survey and audit visits, consolidation of survey and audit visits, coordination of separate survey and audit visits, deeming of one agency's visits for another, using a combined entrance meeting with hospital management, identifying a standard set of documents to be available for all surveys and audits, and minimizing duplication of required documents.

(4) The department of health shall report to the legislature by December 1, 2004, regarding the results of the pilot project and the strategies identified for adoption on a statewide basis to improve the regulatory environment for hospitals while assuring the safety and well-being of patients and full compliance with relevant state and local laws.

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Agency" means a department of state government created under RCW 43.17.010 and the office of the state auditor.

(b) "Audit" means an examination of records or financial accounts to evaluate accuracy and monitor compliance with statutory or regulatory requirements.

(c) "Hospital" means a hospital licensed under chapter 70.41 RCW.

(d) "Survey" means an inspection, examination, or site visit conducted by an agency to evaluate and monitor the compliance of a hospital or hospital services or facilities with statutory or regulatory requirements.

(2) By July 1, 2004, each state agency which conducts hospital surveys or audits shall post to its agency web site a list of the most frequent problems identified in its hospital surveys or audits along with information on how to avoid or address the identified problems, and a person within the agency that a hospital may contact with questions or for further assistance.

(3) By July 1, 2004, the department of health, in cooperation with other state agencies which conduct hospital surveys or audits, shall develop an instrument, to be provided to every hospital upon completion of a state survey or audit, which allows the hospital to anonymously evaluate the survey or audit process in terms of quality, efficacy, and the extent to which it supported improved patient care and compliance with state law without placing an unnecessary administrative burden on the hospital. The evaluation may be returned to the department of health for distribution to the appropriate agency. The department of health shall annually compile the evaluations in a report to the legislature.

(4) Except when responding to complaints or immediate public health and safety concerns or when such prior notice would conflict with other state or federal law, any state agency that provides notice of a hospital survey or audit must provide such notice to the hospital no less than four weeks prior to the date of the survey or audit.

Sec. 3. RCW 70.41.080 and 1995 c 369 s 40 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt, after approval by the department, such recognized standards as may be applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. Such standards shall be consistent with the standards adopted by the federal centers for medicare and medicaid services for hospitals that care for medicare or medicaid beneficiaries. The department upon receipt of an application for a license, shall submit to the director of fire protection in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he or she shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any corrections required by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such hospitals at least once a year.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for hospitals adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 4. RCW 70.41.120 and 1995 c 282 s 4 are each amended to read as follows:

The department shall make or cause to be made at least yearly an inspection of all hospitals. Every inspection of a hospital may include an inspection of every part of the premises. The department may make an examination of all phases of the hospital operation necessary to determine compliance with the law and the standards, rules and regulations adopted thereunder. Any licensee or applicant desiring to make alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, comply with the regulations prescribed by the department.

No hospital licensed pursuant to the provisions of this chapter shall be required to be inspected or licensed under other state laws or rules and regulations promulgated thereunder, or local ordinances, relative to hotels, restaurants, lodging houses, boarding houses, places of refreshment, nursing homes, maternity homes, or psychiatric hospitals.

To avoid unnecessary duplication in inspections, the department shall coordinate with the department of social and health services, the office of the state fire marshal, and local agencies when inspecting facilities over which ~~((both agencies have))~~ each agency has jurisdiction, the facilities including but not necessarily being limited to hospitals with both acute care and skilled nursing or psychiatric nursing functions. The department shall notify the office of the state fire marshal and the relevant local agency at least four weeks prior to any inspection conducted under this section and invite their attendance at the inspection, and shall provide a copy of its inspection report to each agency upon completion.

NEW SECTION. Sec. 5. A new section is added to chapter 70.41 RCW to read as follows:

(1) The department shall coordinate its hospital construction review process with other state and local agencies having similar review responsibilities, including the department of labor and industries, the office of the state fire marshal, and local building and fire officials. Inconsistencies or conflicts among the agencies shall be identified and eliminated. The department shall provide local agencies with relevant information derived from its construction review process.

(2) By September 1, 2004, the department shall report to the legislature regarding its implementation of subsection (1) of this section.

Sec. 6. RCW 70.38.105 and 1996 c 50 s 1 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

- (4) The following shall be subject to certificate of need review under this chapter:
- (a) The construction, development, or other establishment of a new health care facility;
 - (b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;
 - (c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;
 - (d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review:
 - (i) Communications and parking facilities;
 - (ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;
 - (iii) Energy conservation systems;
 - (iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure, however, other additional repairs, remodeling, or replacement projects that are not related to one or more deficiency citations and are not necessary to maintain state licensure are not exempt from certificate of need review except as otherwise permitted by (d)(vi) of this subsection or RCW 70.38.115(13);
 - (v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;
 - (vi) Construction or renovation at an existing nursing home which involves physical plant facilities, including administrative, dining areas, kitchen, laundry, therapy areas, and support facilities, by an existing licensee who has operated the beds for at least one year;
 - (vii) Acquisition of land; and
 - (viii) Refinancing of existing debt;
 - (e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, nursing home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months, or a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or boarding home care to nursing home care if the bed redistribution is to be effective for a period in excess of six months. A health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4 may increase its total number of licensed beds to the total number of beds permitted under 42 U.S.C. 1395i-4 for acute care and may redistribute beds permitted under 42 U.S.C. 1395i-4 among acute care and nursing home care without being subject to certificate of need review. If there is a nursing home licensed under chapter 18.51 RCW within twenty-seven miles of the critical access hospital, the critical access hospital is subject to certificate of need review except for:
 - (i) Critical access hospitals which had designated beds to provide nursing home care, in excess of five swing beds, prior to December 31, 2003; or
 - (ii) Up to five swing beds.Critical access hospital beds not subject to certificate of need review under this subsection (4)(e) will not be counted as either acute care or nursing home care for certificate of need review purposes. If a health care facility ceases to be certified as a critical access hospital under 42 U.S.C. 1395i-4, the hospital may revert back to the type and number of licensed hospital beds as it had when it requested critical access hospital designation;
 - (f) Any new tertiary health services which are offered in or through a health care facility or rural health care facility licensed under RCW 70.175.100, and which were not offered on a regular basis by, in, or through such health care facility or rural health care facility within the twelve-month period prior to the time such services would be offered;
 - (g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and
 - (h) Any increase in the number of dialysis stations in a kidney disease center.
- (5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.
- (6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 7. RCW 70.44.240 and 1997 c 332 s 16 are each amended to read as follows:

Any public hospital district may contract or join with any other public hospital district, ~~((any))~~ publicly owned hospital, ~~((any))~~ nonprofit hospital, ~~((any corporation, any other))~~ legal entity, or individual to acquire,

own, operate, manage, or provide any hospital or other health care facilities or hospital services or other health care services to be used by individuals, districts, hospitals, or others, including ~~((the))~~ providing ~~((of))~~ health maintenance services. If a public hospital district chooses to contract or join with another party or parties pursuant to the provisions of this chapter, it may do so through ~~((the establishment of))~~ establishing a nonprofit corporation, partnership, limited liability company, or other legal entity of its choosing in which the public hospital district and the other party or parties participate. The governing body of such legal entity shall include representatives of the public hospital district, ~~((including))~~ which representatives may include members of the public hospital district's board of commissioners. A public hospital district contracting or joining with another party pursuant to the provisions of this chapter may appropriate funds and may sell, lease, or otherwise provide property, personnel, and services to the legal entity established to carry out the contract or joint activity."

On page 1, line 2 of the title, after "hospitals;" strike the remainder of the title and insert "amending RCW 70.41.080, 70.41.120, 70.38.105, and 70.44.240; adding new sections to chapter 70.41 RCW; and creating a new section."

Representatives Cody and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6485, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6485, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SENATE BILL NO. 6485, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531, with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I - TOLLING PROVISIONS

Sec. 101. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the governing body of a regional transportation investment district.
- (2) "Department" means the Washington state department of transportation.
- (3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.
- (4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.
- (5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.
- (6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.
- (7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.
- (8) "Transportation project" means:
 - (a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:
 - (i) Adds a lane or new lanes to an existing state or federal highway; or
 - (ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.
 - (b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:
 - (i) Approaches to highways of statewide significance;
 - (ii) High-occupancy vehicle lanes;
 - (iii) Flyover ramps;
 - (iv) Park and ride lots;
 - (v) Bus pullouts;
 - (vi) Vans for vanpools;
 - (vii) Buses; and
 - (viii) Signalization, ramp metering, and other transportation system management improvements.
 - (c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:
 - (i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;
 - (ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;
 - (iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;
 - (iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;
 - (v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and
 - (vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.
 - (d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan. However, operations, preservation, and maintenance of toll-related facilities where toll revenues have been pledged for the payment of contracts is expressly authorized and may be included in a regional transportation investment plan.
- (9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 102. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

- (1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060, ~~((and))~~ chapter 81.104 RCW, and section 302 of this act;

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls on new or reconstructed facilities or, in the case of improvements to a bridge or viaduct, any approaches or connectors to the bridge or viaduct. Unless otherwise specified by law or contract, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec. 103. RCW 47.56.076 and 2002 c 56 s 403 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and only for the purposes authorized in RCW 36.120.050(1)~~((f))~~ (g), a regional transportation investment district may impose vehicle tolls on state routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance, and in the case of improving a bridge or viaduct, any approaches or connectors to the bridge or viaduct. The department shall administer the collection of vehicle tolls on designated facilities unless otherwise specified in law or by contract, and the state transportation commission, or its successor, shall ~~((be the tolling authority))~~ set and impose the tolls in amounts sufficient to implement the plan and issue bonds and maintain and operate the toll facility within the scope and intent of the regional transportation investment plan.

NEW SECTION. Sec. 104. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may impose vehicle tolls on either Lake Washington bridge upon approval of a majority of the voters voting on a regional transportation investment plan ballot measure within its boundaries as authorized in chapter 36.120 RCW and RCW 47.56.076.

PART II - BALLOT MEASURES

Sec. 201. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

Two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under RCW 36.120.040, may ~~((certify the plan to the ballot, including identification of the tax options))~~ submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to ((fund)) finance the plan. ((County legislative authorities)) The planning committee may draft ~~((a ballot title,))~~ the ballot measure on behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ((put the plan before)) submit the measure to the voters of the proposed district for their approval or rejection ~~((as a single ballot measure that both approves formation of the district and approves the plan)).~~ Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the participating counties. A simple majority of the total persons voting on the single ballot measure ~~((to approve the plan, establish the district, and approve the taxes and fees))~~ is required for approval of the measure.

PART III - MOTOR VEHICLE SURCHARGE

Sec. 301. RCW 81.100.080 and 1990 c 43 s 19 are each amended to read as follows:

Funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon shall be used by the county or the regional transportation investment district in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under RCW 81.100.030(3), for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in RCW 81.100.020(5), and for commuter rail projects in accordance with RCW 81.104.120. Except for funds raised by a regional transportation investment district, no funds collected under RCW 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

(1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

(2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by an agency under this chapter shall be used in addition to, and not as a substitute for, moneys currently used by the agency for the purposes specified in this section.

Counties and regional transportation investment districts may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

New Section. Sec. 302. A new section is added to chapter 82.80 RCW to read as follows:

A regional transportation investment district may, with voter approval and as part of a regional transportation investment plan, impose a local option surcharge of not more than three-tenths of one percent of the value on vehicles registered to a person residing within the district. The proceeds collected pursuant to this section shall be used for transportation projects as defined in RCW 36.120.020. No surcharge may be imposed on new vehicles, except that the surcharge shall apply to the initial registration of a vehicle previously licensed in another jurisdiction.

An investment district imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall insofar as they are applicable to motor vehicle excise taxes, be applicable to surcharges imposed under this section.

PART IV - EXPANDING LOCAL TRANSPORTATION IMPROVEMENT AUTHORITY

NEW SECTION. Sec. 401. A new section is added to chapter 36.73 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means:

(a) A capital improvement or improvements relating to, or in support of, all or a portion of a highway that has been designated, in whole or in part, as a highway of statewide significance, and may include the following associated capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(b) A capital improvement or improvements to all or a portion of a city street, county road, existing highway, or the creation of a new highway that intersects with a highway of statewide significance, but only if the cumulative transportation benefit contribution to all projects constructed under this subsection (3)(b) does not exceed twenty percent of the revenues generated by the district, or forty percent of the revenues generated by the district for projects in a rural county. For purposes of this subsection (3)(b), "rural county" means a county smaller than two hundred twenty-five square miles or as defined in RCW 43.168.020.

(4) Operations, preservation, and maintenance are excluded from the definition of transportation improvements under subsection (3) of this section, except for operation, preservation, and maintenance costs of tolled facilities, including the costs of collecting the tolls, if toll revenues have been pledged for the payment of contracts.

(5) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

Sec. 402. RCW 36.73.020 and 1989 c 53 s 1 are each amended to read as follows:

(1) Subject to subsection (6) of this section, the legislative authority of a county or city may establish ~~((one or more))~~ a transportation benefit district~~((s))~~ within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding ~~((any city street, county road, or state highway))~~ a transportation improvement within the district that is ~~((4))~~ consistent with any existing state, regional, and local transportation plans~~((, (2))~~) and necessitated by existing or reasonably foreseeable congestion levels ~~((attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions))~~. ~~((Such))~~ The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway~~((; and all such))~~. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, ~~((and))~~ highways, and capital improvements. ~~((The district may not include any area within the corporate limits of a city unless the city legislative authority has agreed to the inclusion pursuant to chapter 39.34 RCW. The agreement shall specify the area and such powers as may be granted to the benefit district.))~~

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district shall include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the ~~((county))~~ legislative authority proposing to establish the district, acting ex officio and independently, shall ~~((compose))~~ constitute the governing body of the district: PROVIDED, That where a ~~((transportation benefit))~~ district includes ~~((any portion of an incorporated city, town, or another county, the district may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW))~~ area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The ~~((county))~~ treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district. ~~((For purposes of this section, the term "city" means both cities and towns.))~~

(6) The authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.

Sec. 403. RCW 36.73.040 and 1989 c 53 s 3 are each amended to read as follows:

(1) A transportation benefit district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(2) A transportation benefit district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued. Public works contract limits applicable to the jurisdiction that established the district ~~((shall))~~ apply to the district.

(3) To carry out the purposes of this chapter, and subject to the provisions of section 418 of this act, a district is authorized to impose the following taxes, fees, charges, and tolls:

(a) A sales and use tax in accordance with section 414 of this act;

(b) A local option fuel tax in accordance with section 415 of this act;

(c) A vehicle fee in accordance with section 416 of this act;

(d) An employer excise tax in accordance with section 417 of this act;

(e) A fee or charge in accordance with RCW 36.73.120. However, if a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district. Developments consisting of less than twenty residences are exempt from the fee or charge under RCW 36.73.120; and

(f)(i) Vehicle tolls on state routes or federal highways, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. The department of transportation shall administer the collection of vehicle tolls on state routes or federal highways, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls on city streets or county roads, and shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement plan.

(ii) Tolls may only be imposed under this section on a new transportation improvement made by the district, and revenue from the tolls may only be used to support that transportation improvement.

Sec. 404. RCW 36.73.050 and 1987 c 327 s 5 are each amended to read as follows:

(1) ~~((A city or county))~~ The legislative ~~((authority))~~ authorities proposing to establish a ~~((transportation benefit))~~ district, or to modify the boundaries of an existing district, or to dissolve an existing district~~((s))~~ shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days before the hearing, in a newspaper of general circulation within the proposed district. Subject to the provisions of section 420 of this act, the legislative ~~((authority))~~ authorities shall make provision for a district to be automatically dissolved when all indebtedness of the district has been retired and anticipated responsibilities have been satisfied. This notice shall be in addition to any other notice required by law to be published. The notice shall, where applicable, specify the functions or activities proposed to be provided or funded, or the additional functions or activities proposed to be provided or funded, by the district. Additional notice of the hearing may be given by mail, by posting within the proposed district, or in any manner the ~~((city or county))~~ legislative ~~((authority deems))~~ authorities deem necessary to notify affected persons. All hearings shall be public and the ~~((city or county))~~ legislative ~~((authority))~~ authorities shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the district.

(2) Following the hearing held pursuant to subsection (1) of this section, the ~~((city or county))~~ legislative ~~((authority))~~ authorities may establish a ~~((transportation benefit))~~ district, modify the boundaries or functions of an existing district, or dissolve an existing district, if the ~~((city or county))~~ legislative ~~((authority finds))~~ authorities find the action to be in the public interest and ~~((adopts))~~ adopt an ordinance providing for the action. The ordinance establishing a district shall specify the functions or activities to be exercised or funded and establish the boundaries of the district. ~~((A district shall include only those areas which can reasonably be expected to benefit from improvements to be funded by the district.))~~ Subject to the provisions of section 419 of this act, functions or activities proposed to be provided or funded by the district may not be expanded beyond those specified in the notice of hearing, unless additional notices are made, further hearings on the expansion are held, and further determinations are made that it is in the public interest to so expand the functions or activities proposed to be provided or funded.

~~((3) At any time before the city or county legislative authority establishes a transportation benefit district pursuant to this section, all further proceedings shall be terminated upon the filing of a verified declaration of termination signed by the owners of real property consisting of at least sixty percent of the assessed valuation in the proposed district.))~~

Sec. 405. RCW 36.73.060 and 1987 c 327 s 6 are each amended to read as follows:

(1) A ~~((transportation benefit))~~ district may levy an ad valorem property tax in excess of the one percent limitation upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

Sec. 406. RCW 36.73.070 and 1987 c 327 s 7 are each amended to read as follows:

(1) To carry out the purposes of this chapter and notwithstanding RCW 39.36.020(1), a ~~((transportation benefit))~~ district may issue general obligation bonds, not to exceed an amount, together with any other outstanding nonvoter-approved general obligation indebtedness, equal to ~~((three eighths of))~~ one and one-half percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A district may additionally issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to ~~((one and one fourth))~~ five percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the district pursuant to Article VIII, section 6 of the

state Constitution, and ~~((t))~~ may also provide for the retirement thereof by excess property tax levies as provided in RCW 36.73.060(2). The district may, if applicable, submit a single proposition to the voters that, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The governing body of the ~~((transportation benefit))~~ district shall by resolution determine for each general obligation bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the ~~((transportation benefit))~~ district ~~((which issues the bonds))~~ may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds. The district may also pledge any other revenues that may be available to the district.

(4) In addition to general obligation bonds, a district may issue revenue bonds to be issued and sold in accordance with chapter 39.46 RCW.

Sec. 407. RCW 36.73.080 and 1987 c 327 s 8 are each amended to read as follows:

(1) A ~~((transportation benefit))~~ district may form a local improvement district to provide any transportation improvement it has the authority to provide, impose special assessments on all property specially benefited by the transportation improvements, and issue special assessment bonds or revenue bonds to fund the costs of the transportation improvement. Local improvement districts shall be created and administered, and assessments shall be made and collected, in the manner and to the extent provided by law to cities and towns pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.51, 35.53, and 35.54 RCW. However, the duties devolving upon the city or town treasurer under these chapters shall be imposed upon the district treasurer for the purposes of this section. A local improvement district may only be formed under this section pursuant to the petition method under RCW 35.43.120 and 35.43.125.

(2) The governing body of a ~~((transportation benefit))~~ district shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the ~~((transportation benefit))~~ district issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the ~~((transportation benefit))~~ district has created. The owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the ~~((transportation benefit))~~ district arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the ~~((transportation benefit))~~ district has created. The district issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection (2) shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) Assessments shall reflect any credits given by a ~~((transportation benefit))~~ district for real property or property right donations made pursuant to RCW 47.14.030.

(4) The governing body may establish, administer, and pay ~~((moneys))~~ money into a local improvement guaranty fund, in the manner and to the extent provided by law to cities and towns under chapter 35.54 RCW, to guarantee special assessment bonds issued by the ~~((transportation benefit))~~ district.

Sec. 408. RCW 36.73.100 and 1987 c 327 s 10 are each amended to read as follows:

(1) The proceeds of any bond issued pursuant to RCW 36.73.070 or 36.73.080 may be used to pay costs incurred on ~~((such))~~ a bond issue related to the sale and issuance of the bonds. ~~((Such))~~ These costs include

payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising, and other similar activities.

(2) In addition, proceeds of bonds used to fund capital projects may be used to pay the necessary and related engineering, architectural, planning, and inspection costs.

Sec. 409. RCW 36.73.110 and 1987 c 327 s 11 are each amended to read as follows:

A ~~((transportation benefit))~~ district may accept and expend or use gifts, grants, and donations.

Sec. 410. RCW 36.73.120 and 1988 c 179 s 7 are each amended to read as follows:

(1) ~~((A transportation benefit))~~ Subject to the provisions in section 418 of this act, a district may impose a fee or charge on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance ~~((thereto))~~, or on the development, subdivision, classification, or reclassification of land, only if done in accordance with chapter 39.92 RCW.

(2) Any fee or charge imposed under this section shall be used exclusively for transportation improvements constructed by a ~~((transportation benefit))~~ district. The fees or charges ~~((se))~~ imposed must be reasonably necessary as a result of the impact of development, construction, or classification or reclassification of land on identified transportation needs.

(3) ~~((When fees or charges are imposed by a district within which there is more than one city or both incorporated and unincorporated areas, the legislative authority for each city in the district and the county legislative authority for the unincorporated area must approve the imposition of such fees or charges before they take effect.))~~ If a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district.

(4) Developments consisting of less than twenty residences are exempt from the fee or charge under this section.

Sec. 411. RCW 36.73.130 and 1987 c 327 s 13 are each amended to read as follows:

A ~~((transportation benefit))~~ district may exercise the power of eminent domain to obtain property for its authorized purposes in the same manner as authorized for the city or county legislative authority that established the district.

Sec. 412. RCW 36.73.140 and 1987 c 327 s 14 are each amended to read as follows:

A ~~((transportation benefit))~~ district has the same powers as a county or city to contract for street, road, or state highway improvement projects and to enter into reimbursement contracts provided for in chapter 35.72 RCW.

Sec. 413. RCW 36.73.150 and 1987 c 327 s 15 are each amended to read as follows:

The department of transportation, counties, ~~((and))~~ cities, and other jurisdictions may give funds to ~~((transportation benefit))~~ districts for the purposes of financing ~~((street, road, or highway))~~ transportation improvements ((projects)) under this chapter.

NEW SECTION. Sec. 414. A new section is added to chapter 82.14 RCW to read as follows:

(1) Subject to the provisions in section 418 of this act, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed five-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

NEW SECTION. Sec. 415. A new section is added to chapter 82.80 RCW to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030; and

(c) "District" means a transportation benefit district under chapter 36.73 RCW.

(2) A transportation benefit district under chapter 36.73 RCW, subject to the conditions of this section and the provisions of section 418 of this act, may levy additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the district. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the district's fuel excise

tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The tax imposed under this section may not be levied less than one month from the date the election results under section 418 of this act are certified. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax under this section on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of the district to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a district shall contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute the proceeds of the additional taxes under this section on a monthly basis to the district levying the tax, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a district under this section must be used in accordance with chapter 36.73 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A district may only levy the tax under this section if the district is comprised of boundaries identical to the boundaries of a county or counties. A district may not levy the tax under this section if a member county is levying the tax under RCW 82.80.010.

NEW SECTION. Sec. 416. A new section is added to chapter 82.80 RCW to read as follows:

(1) Subject to the provisions of section 418 of this act, a transportation benefit district under chapter 36.73 RCW may fix and impose an annual vehicle fee, not to exceed one hundred dollars per vehicle registered in the district, for each vehicle subject to license tab fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen weight of six thousand pounds or less.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the fees collected, for administration and collection expenses incurred by it. The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the district on a monthly basis.

(3) No fee under this section may be collected until six months after approval by the district voters under section 418 of this act.

(4) The vehicle fee under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) The following vehicles are exempt from the fee under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

(c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(d) Snowmobiles as defined in RCW 46.10.010.

NEW SECTION. Sec. 417. A new section is added to chapter 82.80 RCW to read as follows:

(1)(a) Subject to the provisions of section 418 of this act, a transportation benefit district under chapter 36.73 RCW may impose an excise tax, for the privilege of engaging in business, of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. In no event may the total taxes imposed under this section exceed two dollars per employee per month for any single employer. The district imposing the tax authorized in this section may provide for exemptions from the tax for such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

(b) Transportation benefit districts may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses, not to exceed one percent of the fees collected.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3)(a) A transportation benefit district shall adopt rules that exempt an employer, who enters into an agreement under (b) of this subsection, from all or a portion of the tax under subsection (1)(a) of this section.

(b) A transportation benefit district may enter into an agreement, designed to reduce the number of employees who drive in single-occupant vehicles during peak commuting periods, with employers subject to the tax under subsection (1)(a) of this section. The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the district that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

(4) The tax under this section may be imposed only to the extent the tax has not been imposed by a county within the district area.

NEW SECTION. Sec. 418. A new section is added to chapter 36.73 RCW to read as follows:

(1) Taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of the transportation improvement or improvements proposed by the district and the proposed taxes, fees, charges, and tolls imposed by the district to raise revenue to fund the improvement or improvements.

(2) Voter approval under this section shall be accorded substantial weight regarding the validity of a transportation improvement as defined in section 401 of this act.

(3) A district may not increase any taxes, fees, charges, or tolls imposed under this chapter once the taxes, fees, charges, or tolls take effect, unless authorized by the district voters pursuant to section 419 of this act.

NEW SECTION. Sec. 419. A new section is added to chapter 36.73 RCW to read as follows:

(1) If a transportation improvement cost exceeds its original cost by more than twenty percent as identified in a district's original finance plan, the district governing body shall submit to the voters in the district a ballot measure that redefines the scope of the transportation improvement, its schedule, its costs or changes in the revenue sources. If a majority of the voters of the district fail to approve the redefined transportation improvement, the district shall, to the extent practicable, continue to work on and complete the transportation improvement that was originally approved by the voters, and take reasonable steps to use, preserve, or connect any improvement already constructed. If a majority of the district voters approve the redefined transportation improvement, the district shall work on and complete the projects under the redefined plan.

(2) A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

NEW SECTION. Sec. 420. A new section is added to chapter 36.73 RCW to read as follows:

Within thirty days of the completion of the construction of the transportation improvement or series of improvements authorized by a district, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, charges, or tolls imposed by the district terminate when the financing or debt service on the transportation improvement or series of improvements constructed is completed and paid, thirty days from which point the district shall dissolve itself and cease to exist. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the transportation improvement or series of improvements authorized by the district. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

Sec. 421. RCW 82.14.050 and 2003 c 168 s 201 and 2003 c 83 s 208 are each reenacted and amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, ~~((and))~~ regional transportation investment districts, and transportation benefit districts under chapter 36.73 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, ~~((and))~~ regional transportation investment districts, and transportation benefit districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Counties, cities, transportation authorities, public facilities districts, and regional transportation investment districts may not conduct independent sales or use tax audits of sellers

registered under the streamlined sales tax agreement. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, ~~((and))~~ regional transportation investment districts, and transportation benefit districts monthly.

Sec. 422. RCW 82.14.060 and 1991 c 207 s 3 are each amended to read as follows:

Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, cities, transportation authorities, ~~((and))~~ public facilities districts, and transportation benefit districts the amount of tax collected on behalf of each taxing authority, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 423. RCW 35.21.225 and 1989 c 53 s 2 are each amended to read as follows:

~~The legislative authority of a city may establish ((one or more transportation benefit districts within a city for the purpose of acquiring, constructing, improving, providing, and funding any city street, county road, or state highway improvement that is (1) consistent with state, regional, and local transportation plans, (2) necessitated by existing or reasonably foreseeable congestion levels attributable to economic growth, and (3) partially funded by local government or private developer contributions, or a combination of such contributions. Such transportation improvements shall be owned by the city of jurisdiction if located in an incorporated area, by the county of jurisdiction if located in an unincorporated area, or by the state in cases where the transportation improvement is or becomes a state highway; and all such transportation improvements shall be administered as other public streets, roads, and highways. The district may include any area within the corporate limits of another city if that city has agreed to the inclusion pursuant to chapter 39.34 RCW. The district may include any unincorporated area if the county legislative authority has agreed to the inclusion pursuant to chapter 39.34 RCW. The agreement shall specify the area and such other powers as may be granted to the benefit district.~~

~~The members of the city legislative authority, acting ex officio and independently, shall compose the governing body of the district. The city treasurer shall act as the ex officio treasurer of the district. PROVIDED, That where a transportation benefit district includes any unincorporated area or portion of another city, the district may be governed as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. The electors of the district shall all be registered voters residing within the district. For the purposes of this section, the term "city" means both cities and towns.)~~ a transportation benefit district subject to the provisions of chapter 36.73 RCW.

Sec. 424. RCW 47.56.075 and 2002 c 56 s 404 are each amended to read as follows:

The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, transportation benefit district, city, town, or county.

Sec. 425. RCW 82.80.030 and 2002 c 56 s 412 are each amended to read as follows:

(1) Subject to the conditions of this section, the legislative authority of a county, city, or district may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. A city or county may impose the tax only to the extent that it has not been imposed by the district, and a district may impose the tax only to the extent that it has not been imposed by a city or county. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city or district includes only the area within its boundaries.

(2) In lieu of the tax in subsection (1) of this section, a city, a county in its unincorporated area, or a district may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city, county, or district may provide that:

- (a) The tax is paid by the operator or owner of the motor vehicle;
- (b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;
- (c) The tax is collected by the operator of the facility and remitted to the city, county, or district;
- (d) The tax is a fee per vehicle or is measured by the parking charge;
- (e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and
- (f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.

(3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The county, city, or district levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a city or county under subsection (1) or (2) of this section shall be used (~~strictly~~) for transportation purposes in accordance with RCW 82.80.070 or for transportation improvements in accordance with chapter 36.73 RCW. The proceeds of the parking tax imposed by a district must be used as provided in chapter 36.120 RCW.

NEW SECTION. Sec. 426. A new section is added to chapter 47.56 RCW to read as follows:

Subject to the provisions under chapter 36.73 RCW, a transportation benefit district may impose vehicle tolls on state routes or federal highways, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. The department of transportation shall administer the collection of vehicle tolls on state routes or federal highways, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls on city streets or county roads, and shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement plan. However, tolls may only be imposed under this section on a new transportation improvement made by the district, and revenue from the tolls may only be used to support that transportation improvement."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.120.020, 36.120.050, 47.56.076, 36.120.070, 81.100.080, 36.73.020, 36.73.040, 36.73.050, 36.73.060, 36.73.070, 36.73.080, 36.73.100, 36.73.110, 36.73.120, 36.73.130, 36.73.140, 36.73.150, 82.14.060, 35.21.225, 47.56.075, and 82.80.030; reenacting and amending RCW 82.14.050; adding new sections to chapter 47.56 RCW; adding new sections to chapter 82.80 RCW; adding new sections to chapter 36.73 RCW; and adding a new section to chapter 82.14 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 4, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6561 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House insisted on its position in its amendments to SENATE BILL NO. 6561 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 9, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6614 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House receded from its amendments and proceeded to final passage of SENATE BILL NO. 6614 without the House's amendments.

FINAL PASSAGE OF SENATE BILL

Representative Murray spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6614.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6614, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Dunshee, Hatfield, Hudgins, Morris and Nixon - 5.

Excused: Representative Edwards - 1.

SENATE BILL NO. 6614, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1433, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.05.022 and 2002 c 56 s 302 are each amended to read as follows:

The legislature designates ~~((that portion of state route number 509 that runs or will run from state route number 518 in the north to the intersection with interstate 5 in the south as a state))~~ as highways of statewide significance those highways so designated by transportation commission resolution number 660 as adopted on January 21, 2004."

On page 1, line 2 of the title, after "significance;" strike the remainder of the title and insert "and amending RCW 47.05.022."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1433 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Cooper spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1433, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1433, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED HOUSE BILL NO. 1433, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2321, with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART 1 TITLE 43 AMENDMENTS

Sec. 101. RCW 43.30.700 and 1986 c 100 s 50 are each amended to read as follows:

- (1) The department may:
 - (a) Inquire into the production, quality, and quantity of second growth timber to ascertain conditions for reforestation; and
 - (b) Publish information pertaining to forestry and forest products which it considers of benefit to the people of the state.
- (2) The department shall:
 - (a) Collect information through investigation by its employees, on forest lands owned by the state, including:
 - (i) Condition of the lands;
 - (ii) Forest fire damage;
 - (iii) Illegal cutting, trespassing, or thefts; and
 - (iv) The number of acres and the value of the timber that is cut and removed each year, to determine which state lands are valuable chiefly for growing timber;
 - (b) Prepare maps of each timbered county showing state land therein; and
 - (c) Protect ~~((state land))~~ forested public land, as defined in RCW 79.02.010, as much as is practical and feasible from fire, trespass, theft, and the illegal cutting of timber.
- (3) When the department considers it to be in the best interest of the state, it may cooperate with any agency of another state, the United States or any agency thereof, the Dominion of Canada or any agency or province thereof, and any county, town, corporation, individual, or Indian tribe within the state of Washington in:
 - (a) Forest surveys;
 - (b) Forest studies;
 - (c) Forest products studies; and

(d) Preparation of plans for the protection, management, and replacement of trees, wood lots, and timber tracts.

PART 2 TITLE 79 AMENDMENTS

Sec. 201. RCW 79.02.010 and 2003 c 334 s 301 are each amended to read as follows:

The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters as defined in chapter 79.90 RCW that are ~~((managed))~~ administered by the department.

(2) "Board" means the board of natural resources.

(3) "Commissioner" means the commissioner of public lands.

(4) "Community and technical college forest reserve lands" means lands managed under RCW 79.02.420.

(5) "Department" means the department of natural resources.

(6) ~~((("Improvements," when referring to state lands,))~~ "Improvements" means anything considered a fixture in law placed upon or attached to ~~((such))~~ lands administered by the department that has changed the value of the lands or any changes in the previous condition of the fixtures that changes the value of the lands.

(7) "Land bank lands" means lands acquired under RCW 79.19.020.

(8) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of a federal, state, or local governmental unit, however designated.

(9) "Public lands" means lands of the state of Washington ~~((and includes lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law. They include))~~ administered by the department including but not limited to state lands, ~~((tidelands, shorelands, and harbor areas as defined in chapter 79.90 RCW, and the beds of navigable waters belonging to the))~~ state forest lands, and aquatic lands.

(10) "State forest lands" means lands acquired under RCW 79.22.010, 79.22.040, and 79.22.020.

(11) "State lands" includes:

(a) School lands, that is, lands held in trust for the support of the common schools;

(b) University lands, that is, lands held in trust for university purposes;

(c) Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;

(d) Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;

(e) Normal school lands, that is, lands held in trust for state normal schools;

(f) Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive, and judicial purposes;

(g) Institutional lands, that is, lands held in trust for state charitable, educational, penal, and reformatory institutions; and

(h) ~~((All public lands of the state, except tidelands, shorelands, harbor areas, and the beds of navigable waters))~~ Land bank, escheat, donations, and all other lands, except aquatic lands, administered by the department that are not devoted to or reserved for a particular use by law.

(12) ~~((("Valuable materials," when referring to state lands or state forest lands,))~~ "Valuable materials" means any product or material on the lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except mineral, coal, petroleum, and gas as provided for under chapter 79.14 RCW.

Sec. 202. RCW 79.02.040 and 2003 c 334 s 432 are each amended to read as follows:

The department may review and reconsider any of its official acts relating to ~~((state))~~ public lands until such time as a lease, contract, or deed shall have been made, executed, and finally issued, and the department may recall any lease, contract, or deed issued for the purpose of correcting mistakes or errors, or supplying omissions.

Sec. 203. RCW 79.02.050 and 2003 c 334 s 365 are each amended to read as follows:

(1) Any sale, transfer, or lease ~~((of state lands))~~ in which the purchaser, transfer recipient, or lessee obtains the sale or lease by fraud or misrepresentation is void, and the contract of purchase or lease shall be of no effect. In the event of fraud, the contract, transferred property, or lease must be surrendered to the department, but the purchaser, transfer recipient, or lessee may not be refunded any money paid on account of the surrendered contract, transfer, or lease.

~~((2))~~ (2) In the event that a mistake is discovered in the sale or lease ~~((of state lands))~~, or in the sale of valuable materials ~~((on state lands))~~, the department may take action to correct the mistake in accordance with RCW 79.02.040 if maintaining the corrected contract, transfer, or lease is in the best interests of the affected trust or trusts.

Sec. 204. RCW 79.02.160 and 2003 c 334 s 308 are each amended to read as follows:

In case any person interested in any tract of land heretofore selected by the territory of Washington or any officer, board, or agent thereof or by the state of Washington or any officer, board, or agent thereof or which may be hereafter selected by the state of Washington or the department, in pursuance to any grant of ~~((public))~~ lands made by the United States to the territory or state of Washington for any purpose or upon any trust whatever, the selection of which has failed or been rejected or shall fail or shall be rejected for any reason, shall request it, the department shall have the authority and power on behalf of the state to relinquish to the United States such tract of land.

Sec. 205. RCW 79.02.280 and 2003 c 334 s 377 are each amended to read as follows:

All contracts of purchase~~((r))~~ or leases~~((, of state lands))~~ issued by the department shall be assignable in writing by the contract holder or lessee and the assignee shall be subject to and governed by the provisions of law applicable to the assignor and shall have the same rights in all respects as the original purchaser, or lessee, of the lands, provided the assignment is approved by the department and entered of record in its office.

Sec. 206. RCW 79.02.290 and 2003 c 334 s 363 are each amended to read as follows:

Whenever the holder of a contract of purchase ~~((of any state lands,))~~ or the holder of any lease ~~((of any such lands)),~~ except for mining of valuable minerals or coal, or extraction of petroleum or gas, shall surrender the same to the department with the request to have it divided into two or more contracts, or leases, the department may divide the same and issue new contracts, or leases, but no new contract, or lease, shall issue while there is due and unpaid any interest, rental, or taxes or assessments on the land held under such contract or lease, nor in any case where the department is of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee as provided under this chapter, shall be paid by the applicant.

Sec. 207. RCW 79.02.300 and 2003 c 334 s 435 are each amended to read as follows:

(1) Every person who, without authorization, uses or occupies public lands, removes any valuable material as defined in RCW ~~((79.01.038))~~ 79.02.010 from public lands, or causes waste or damage to public lands, or injures publicly owned personal property or publicly owned improvements to real property on public lands, is liable to the state for treble the amount of the damages. However, liability shall be for single damages if the department determines, or the person proves upon trial, that the person, at time of the unauthorized act or acts, did not know, or have reason to know, that he or she lacked authorization. Damages recoverable under this section include, but are not limited to, the market value of the use, occupancy, or things removed, had the use, occupancy, or removal been authorized; and any damages caused by injury to the land, publicly owned personal property or publicly owned improvement, including the costs of restoration. In addition, the person is liable for reimbursing the state for its reasonable costs, including but not limited to, its administrative costs, survey costs to the extent they are not included in damages awarded for restoration costs, and its reasonable attorneys' fees and other legal costs.

(2) This section does not apply in any case where liability for damages is provided under RCW 64.12.030, 4.24.630, 79.02.320, or 79.02.340.

(3) The department is authorized and directed to investigate all trespasses and wastes upon, and damages to, public lands of the state, and to cause prosecutions for, and/or actions for the recovery of the same to be commenced as is provided by law.

Sec. 208. RCW 79.02.340 and 2003 c 334 s 504 are each amended to read as follows:

It shall be unlawful for any person to enter upon ~~((any of the state))~~ public lands~~((, including all land under the jurisdiction of the department,))~~ or upon any private land without the permission of the owner thereof and to cut, break, or remove therefrom for commercial purposes any evergreen trees, commonly known as Christmas trees, including fir, hemlock, spruce, and pine trees. Any person cutting, breaking, or removing or causing to be cut, broken, or removed, or who cuts down, cuts off, breaks, tops, or destroys any of such Christmas trees shall be liable to the state, or to the private owner thereof, for payment for such trees at a price of one dollar each if payment is made immediately upon demand. Should it be necessary to institute civil action to recover the value of such trees, the state in the case of ~~((state))~~ public lands, or the owner in case of private lands, may exact treble damages on the basis of three dollars per tree for each tree so cut or removed.

Sec. 209. RCW 79.10.060 and 2003 c 334 s 544 are each amended to read as follows:

The department may comply with county or municipal zoning ordinances, laws, rules, or regulations affecting the use of ~~((state))~~ public lands ~~((under the jurisdiction of the department))~~ where such regulations are consistent with the treatment of similar private lands.

Sec. 210. RCW 79.10.100 and 2003 c 334 s 534 are each amended to read as follows:

The legislature hereby directs that a multiple use concept be utilized by the department in the ~~((management and))~~ administration of ~~((state owned))~~ public lands ~~((under the jurisdiction of the department))~~ where such a concept is in the best interests of the state and the general welfare of the citizens thereof, and is consistent with the applicable ~~((trust))~~ provisions of the various lands involved.

Sec. 211. RCW 79.11.100 and 2003 c 334 s 328 are each amended to read as follows:

In no case shall any lands granted to the state be offered for sale under this chapter unless the same shall have been appraised by the board within ninety days prior to the date fixed for the sale. A purchaser of state lands may not rely upon the appraisal prepared by the department or made by the board for purposes of deciding whether to make a purchase from the department. All purchasers are required to make their own independent appraisals.

Sec. 212. RCW 79.13.380 and 2003 c 334 s 491 are each amended to read as follows:

The department has the power, and it is its duty, to adopt, from time to time, reasonable rules for the grazing of livestock on such tracts and areas of the indemnity or lieu ~~((public))~~ lands of the state contiguous to national forests and suitable for grazing purposes, as have been, or shall be, obtained from the United States under the provisions of RCW 79.02.120.

Sec. 213. RCW 79.15.030 and 2003 c 334 s 339 are each amended to read as follows:

All sales of valuable materials ~~((upon state lands and state forest lands))~~ shall be made subject to the right, power, and authority of the department to prescribe rules or procedures governing the manner of the sale and removal of the valuable materials. Such procedures shall be binding when contained within a purchaser's contract for valuable materials and apply to the purchaser's successors in interest and shall be enforced by the department.

Sec. 214. RCW 79.15.055 and 2003 c 334 s 309 are each amended to read as follows:

For the purposes of this chapter, "appraisal" means an estimate of the market value of ~~((land or))~~ valuable materials. The estimate must reflect the value based on market conditions at the time of the sale or transfer offering. The appraisal must reflect the department's best effort to establish a reasonable market value for the purpose of setting a minimum bid at auction or transfer. A purchaser of ~~((state lands or))~~ valuable materials may not rely upon the appraisal prepared by the department for purposes of deciding whether to make a purchase from the department. All purchasers are required to make their own independent appraisals.

Sec. 215. RCW 79.19.030 and 2003 c 334 s 527 are each amended to read as follows:

The department, with the approval of the board, may:

- (1) Exchange property held in the land bank for any other ~~((public))~~ lands of equal value administered by the department, including any lands held in trust.
- (2) Exchange property held in the land bank for property of equal or greater value which is owned publicly or privately, and which has greater potential for natural resource or income production or which could be more efficiently managed by the department, however, no power of eminent domain is hereby granted to the department; and
- (3) Sell property held in the land bank in the manner provided by law for the sale of state lands without any requirement of platting and to use the proceeds to acquire property for the land bank which has greater potential for natural resource or income production or which would be more efficiently managed by the department.

Sec. 216. RCW 79.22.300 and 2003 c 334 s 213 are each amended to read as follows:

Whenever the board of county commissioners of any county shall determine that state forest lands, that were acquired from such county by the state pursuant to RCW 79.22.040 and that are under the administration of the department, are needed by the county for public park use in accordance with the county and the state outdoor recreation plans, the board of county commissioners may file an application with the board for the transfer of such state forest lands.

Upon the filing of an application by the board of county commissioners, the department shall cause notice of the impending transfer to be given in the manner provided by RCW 42.30.060. If the department determines that the proposed use is in accordance with the state outdoor recreation plan, it shall reconvey said state forest lands to the requesting county to have and to hold for so long as the state forest lands are developed, maintained, and used for the proposed public park purpose. This reconveyance may contain conditions to allow the department to coordinate the management of any adjacent ~~((state owned))~~ public lands with the proposed park activity to encourage maximum multiple use management and may reserve rights of way needed to manage other ~~((state owned))~~ public lands in the area. The application shall be denied if the department finds that the proposed use is not in accord with the state outdoor recreation plan. If the land is not, or ceases to be, used for public park purposes the land shall be conveyed back to the department upon request of the department.

Sec. 217. RCW 79.36.330 and 2003 c 334 s 228 are each amended to read as follows:

In the event the department should determine that the property interests acquired under the authority of this chapter are no longer necessary for the purposes for which they were acquired, the department shall dispose of the same in the following manner, when in the discretion of the department it is to the best interests of the state of Washington to do so, except that property purchased with educational funds or held in trust for educational purposes shall be sold only in the same manner as are ~~((public))~~ state lands ~~((of the state))~~:

(1) Where the state property necessitating the acquisition of private property interests for access purposes under authority of this chapter is sold or exchanged, the acquired property interests may be sold or exchanged as an appurtenance of the state property when it is determined by the department that sale or exchange of the state property and acquired property interests as one parcel is in the best interests of the state.

(2) If the acquired property interests are not sold or exchanged as provided in subsection (1) of this section, the department shall notify the person or persons from whom the property interest was acquired, stating that the property interests are to be sold, and that the person or persons shall have the right to purchase the same at the appraised price. The notice shall be given by registered letter or certified mail, return receipt requested, mailed to the last known address of the person or persons. If the address of the person or persons is unknown, the notice shall be published twice in an official newspaper of general circulation in the county where the lands or a portion thereof is located. The second notice shall be published not less than ten nor more than thirty days after the notice is first published. The person or persons shall have thirty days after receipt of the registered letter or five days after the last date of publication, as the case may be, to notify the department, in writing, of their intent to purchase the offered property interest. The purchaser shall include with his or her notice of intention to purchase, cash payment, certified check, or money order in an amount not less than one-third of the appraised price. No instrument conveying property interests shall issue from the department until the full price of the property is received by the department. All costs of publication required under this section shall be added to the appraised price and collected by the department upon sale of the property interests.

(3) If the property interests are not sold or exchanged as provided in subsections (1) and (2) of this section, the department shall notify the owners of land abutting the property interests in the same manner as provided in subsection (2) of this section and their notice of intent to purchase shall be given in the manner and in accordance with the same time limits as are set forth in subsection (2) of this section. However, if more than one abutting owner gives notice of intent to purchase the property interests, the department shall apportion them in relation to the lineal footage bordering each side of the property interests to be sold, and apportion the costs to the interested purchasers in relation thereto. Further, no sale is authorized by this section unless the department is satisfied that the amounts to be received from the several purchasers will equal or exceed the appraised price of the entire parcel plus any costs of publishing notices.

(4) If no sale or exchange is consummated as provided in subsections (1) through (3) of this section, the department shall sell the properties in the same manner as state lands are sold.

(5) Any disposal of property interests authorized by this chapter shall be subject to any existing rights previously granted by the department.

Sec. 218. RCW 79.36.355 and 2003 c 334 s 396 are each amended to read as follows:

The department may grant to any person such easements and rights in ~~((state lands or state forest))~~ public lands, not otherwise provided in law, as the applicant applying therefor may acquire in privately owned lands ~~((through proceedings in eminent domain))~~. No grant shall be made under this section until such time as the full market value of the estate or interest granted together with damages to all remaining property of the state of Washington has been ascertained and safely secured to the state.

Sec. 219. RCW 79.36.380 and 1982 1st ex.s. c 21 s 168 are each amended to read as follows:

Every grant, deed, conveyance, contract to purchase or lease made since ~~((the fifteenth day of))~~ June 15, 1911, or hereafter made to any person, firm, or corporation, for a right of way for a private railroad, skid road, canal, flume, watercourse, or other easement, over or across any ~~((state))~~ public lands for the purpose of, and to be used in, transporting and moving timber, minerals, stone, sand, gravel, or other valuable materials of the land, shall be subject to the right of the state, or any grantee or lessee thereof, or other person who has acquired since ~~((the fifteenth day of))~~ June 15, 1911, or shall hereafter acquire, any lands containing valuable materials contiguous to, or in proximity to, such right of way, or who has so acquired or shall hereafter acquire such valuable materials situated upon ~~((state))~~ public lands or contiguous to, or in proximity to, such right of way, of having such valuable materials transported or moved over such private railroad, skid road, flume, canal, watercourse, or other easement, after the same is or has been put in operation, upon paying therefor just and reasonable rates for transportation, or for the use of such private railroad, skid road, flume, canal, watercourse, or other easement, and upon complying with just, reasonable and proper rules and regulations relating to such transportation or use, which rates, rules, and regulations, shall be under the supervision and control of the utilities and transportation commission.

Sec. 220. RCW 79.36.390 and 1982 1st ex.s. c 21 s 169 are each amended to read as follows:

Any person, firm, or corporation, having acquired such right of way or easement since ~~((the fifteenth day of))~~ June 15, 1911, or hereafter acquiring such right of way or easement over any ~~((state))~~ public lands for the purpose of transporting or moving timber, mineral, stone, sand, gravel, or other valuable materials, and engaged in such business thereon, shall accord to the state, or any grantee or lessee thereof, having since ~~((the fifteenth day of))~~ June 15, 1911, acquired, or hereafter acquiring, from the state, any ~~((state))~~ public lands containing timber, mineral, stone, sand, gravel, or other valuable materials, contiguous to or in proximity to such right of way or easement, or any person, firm, or corporation, having since ~~((the fifteenth day of))~~ June 15, 1911, acquired, or hereafter acquiring, the timber, mineral, stone, sand, gravel, or other valuable materials upon any ~~((state))~~ public lands contiguous to or in proximity to the lands over which such right of way or easement is operated, proper and reasonable facilities and service for transporting and moving such valuable materials, under reasonable rules and regulations and upon payment of just and reasonable charges therefor, or, if such right of way or other easement is not then in use, shall accord the use of such right of way or easement for transporting and moving such valuable materials, under reasonable rules and regulations and upon the payment of just and reasonable charges therefor.

Sec. 221. RCW 79.38.010 and 2003 c 334 s 499 are each amended to read as follows:

In addition to any authority otherwise granted by law, the department shall have the authority to acquire lands, interests in lands, and other property for the purpose of affording access by road to public lands ~~((or state forest lands))~~ from any public highway.

Sec. 222. RCW 79.38.020 and 1981 c 204 s 1 are each amended to read as follows:

To facilitate the carrying out of the purpose of this chapter, the department ~~((of natural resources))~~ may:

- (1) Grant easements, rights of way, and permits to cross public lands ~~((and state forest lands))~~ to any person in exchange for similar rights over lands not under its jurisdiction;
- (2) Enter into agreements with any person or agency relating to purchase, construction, reconstruction, maintenance, repair, regulation, and use of access roads or public roads used to provide access to public lands ~~((or state forest lands))~~;
- (3) Dispose, by sale, exchange, or otherwise, of any interest in an access road in the event it determines such interest is no longer necessary for the purposes of this chapter.

Sec. 223. RCW 79.38.030 and 2003 c 334 s 500 are each amended to read as follows:

Purchasers of valuable materials from public lands ~~((or state forest lands))~~ may use access roads or public roads for the removal of such materials where the rights acquired by the state will permit, but use shall be subject to the right of the department:

- (1) To impose reasonable terms for the use, construction, reconstruction, maintenance, and repair of such access roads; and
- (2) To impose reasonable charges for the use of such access roads or public roads which have been constructed or reconstructed through funding by the department.

Sec. 224. RCW 79.38.050 and 2003 c 334 s 502 are each amended to read as follows:

The department shall create, maintain, and administer a revolving fund, to be known as the access road revolving fund in which shall be deposited all moneys received by it from users of access roads as payment for costs incurred or to be incurred in maintaining, repairing, and reconstructing access roads, or public roads used to provide access to public lands ~~((or state forest lands))~~. The department may use moneys in the fund for the purposes for which they were obtained without appropriation by the legislature.

Sec. 225. RCW 79.38.060 and 2003 c 334 s 503 are each amended to read as follows:

All moneys received by the department from users of access roads that are not deposited in the access road revolving fund shall be paid as follows:

- (1) To reimburse the state fund or account from which expenditures have been made for the acquisition, construction, or improvement of the access road or public road, and upon full reimbursement, then
- (2) To the funds or accounts for which the public lands ~~((and state forest lands))~~, to which access is provided, are pledged by law or constitutional provision, in which case the department shall make an equitable apportionment between funds and accounts so that no fund or account shall benefit at the expense of another.

Sec. 226. RCW 79.64.020 and 2003 c 334 s 520 are each amended to read as follows:

A resource management cost account in the state treasury is created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering ~~((public))~~ state lands and aquatic lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights of way as authorized under the provisions of this title. Appropriations from the resource management cost account to the department shall be expended for no other purposes. Funds in the resource

management cost account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the funds were derived.

Sec. 227. RCW 79.64.040 and 2003 c 334 s 522 and 2003 c 313 s 8 are each reenacted and amended to read as follows:

The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting ~~((public))~~ state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands. Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section. The deductions authorized under this section shall in no event exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to ~~((public))~~ state lands and aquatic lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

Sec. 228. RCW 79.70.040 and 1972 ex.s. c 119 s 4 are each amended to read as follows:

The department is further authorized to purchase, lease, set aside, or exchange any public ~~((land or state-owned trust))~~ lands which are deemed to be natural areas: PROVIDED, That the appropriate state land trust receives the fair market value for any interests that are disposed of: PROVIDED, FURTHER, That such transactions are approved by the board of natural resources.

An area consisting of public land ~~((or state-owned trust lands))~~ designated as a natural area preserve shall be held in trust and shall not be alienated except to another public use upon a finding by the department of natural resources of imperative and unavoidable public necessity.

PART 3 MISCELLANEOUS

NEW SECTION. **Sec. 301.** A new section is added to chapter 79.02 RCW under the subchapter heading "general provisions" to read as follows:

The provisions of this act are not intended to affect the trust responsibilities or trust management by the department for any trust lands granted by the federal government or legislatively created trusts. The trust obligations relating to federally granted lands, state forest lands, community and technical college forest reserve lands, and university repayment lands shall not be altered by the definition clarifications contained in this act. The rights, privileges, and prerogatives of the public shall not be altered in any way by this act, and no additional or changed authority or power is granted to any person, corporation, or entity.

NEW SECTION. **Sec. 302.** Part headings used in this act are not any part of the law."

On page 1, beginning on line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 43.30.700, 79.02.010, 79.02.040, 79.02.050, 79.02.160, 79.02.280, 79.02.290, 79.02.300, 79.02.340, 79.10.060, 79.10.100, 79.11.100, 79.13.380, 79.15.030, 79.15.055, 79.19.030, 79.22.300, 79.36.330, 79.36.355, 79.36.380, 79.36.390, 79.38.010, 79.38.020, 79.38.030, 79.38.050, 79.38.060, 79.64.020, and 79.70.040; reenacting and amending RCW 79.64.040; adding a new section to chapter 79.02 RCW; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2321 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Linville spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2321, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2321, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2321, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2455, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the average high school student lacks a basic knowledge of personal finance. In addition, the legislature recognizes the damaging effects of not properly preparing youth for the financial challenges of modern life, including bankruptcy, poor retirement planning, unmanageable debt, and a lower standard of living for Washington families.

The legislature finds that the purpose of the state's system of public education is to help students acquire the skills and knowledge they will need to be productive and responsible 21st century citizens. The legislature further finds that responsible citizenship includes an ability to make wise financial decisions. The legislature further finds that financial literacy could easily be included in lessons, courses, and projects that demonstrate each student's understanding of the state's four learning goals, including goal four: Understanding the importance of work and how performance, effort, and decisions directly affect future opportunities.

The legislature intends to assist school districts in their efforts to ensure that students are financially literate through identifying critical financial literacy skills and knowledge, providing information on instructional materials, and creating a public-private partnership to help provide instructional tools and professional development to school districts that wish to increase the financial literacy of their students.

NEW SECTION. Sec. 2. (1) A financial literacy public-private partnership is established, composed of up to four members representing the legislature, one from and appointed by the office of the superintendent of public instruction, one from and appointed by the department of financial institutions, up to four from the financial services sector, and four educators. One or two members of the senate, one of whom is a member of the senate committee on financial services, insurance and housing, shall be appointed by the president of the senate. One or two members of the house of representatives, one of whom is a member of the house committee on financial institutions and insurance, shall be appointed by the speaker of the house of representatives. The superintendent of public instruction shall appoint the members from the financial services sector and educator members. The chair of the partnership shall be selected by the members of the partnership.

(2) To the extent funds are appropriated or are available for this purpose, technical and logistical support may be provided by the office of the superintendent of public instruction, the organizations composing the

partnership, and other participants in the financial literacy public-private partnership. The superintendent of public instruction shall compile the initial list of members and convene the first meeting of the partnership.

(3) The members of the committee shall be appointed by July 1, 2004.

(4) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

(5) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents.

NEW SECTION. Sec. 3. (1) By September 30, 2004, the financial literacy public-private partnership shall adopt a definition of financial literacy to be used in educational efforts.

(2) By June 30, 2005, the financial literacy public-private partnership shall identify strategies to increase the financial literacy of public school students in our state. To the extent funds are available, strategies to be considered by the partnership shall include, but not be limited to:

(a) Identifying and making available to school districts:

(i) Important financial literacy skills and knowledge;

(ii) Ways in which teachers at different grade levels may integrate financial literacy in mathematics, social studies, and other course content areas;

(iii) Instructional materials and programs, including schoolwide programs, that include the important financial literacy skills and knowledge;

(iv) Assessments and other outcome measures that schools and communities may use to determine whether students are financially literate; and

(v) Other strategies for expanding and increasing the quality of financial literacy instruction in public schools, including professional development for teachers;

(b) Developing a structure and set of operating principles for the financial literacy public-private partnership to assist interested school districts in improving the financial literacy of their students by providing such things as financial literacy instructional materials and professional development; and

(c) Providing a report to the governor, the house and senate financial institutions and education committees of the legislature, the superintendent of public instruction, the state board of education, and education stakeholder groups, on the results of work of the financial literacy public-private partnership. A final report shall be submitted to the same parties by June 30, 2007.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.230 RCW to read as follows:

(1) To the extent funds are appropriated or are available for this purpose, the superintendent of public instruction and other members of the partnership created in section 2 of this act, shall make available to school districts the list of identified financial literacy skills and knowledge, instructional materials, assessments, and other relevant information.

(2) Each school district is encouraged to provide its students with an opportunity to master the financial literacy skills and knowledge developed under section 3 of this act.

(3) For the purposes of this act, it is unnecessary to evaluate and apply the office of the superintendent of public instruction essential academic learning requirements, or to develop grade level expectations.

NEW SECTION. Sec. 5. The task of the financial literacy public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial literacy examined shall include, at a minimum, consumer financial education, personal finance, and personal credit. The partnership shall identify the types of outcome measures expected from participating students, in accordance with the definitions and outcomes developed under section 3 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.300 RCW to read as follows:

The Washington financial literacy public-private partnership account is hereby created in the custody of the state treasurer. The purpose of the account is to support the financial literacy public-private partnership, and to provide financial literacy opportunities for students and financial literacy professional development opportunities for the teachers providing those educational opportunities. Revenues to the account may include gifts from the private sector, federal funds, and any appropriations made by the legislature or other sources. Grants and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7. The financial literacy public-private partnership expires June 30, 2007."

On page 1, line 1 of the title, after "literacy;" strike the remainder of the title and insert "adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2455 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Santos and Anderson spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2455, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2455, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Uptegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Hatfield - 1.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2455, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2475, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.690 and 1983 c 247 s 1 are each amended to read as follows:

Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, ~~((or any))~~ a political subdivision or municipal corporation empowered to operate toll facilities, or an entity operating a toll facility under a contract with the department of transportation, a political subdivision, or municipal corporation, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:

(1) ~~((Such))~~ The person does not pay, refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious ~~((or))~~, counterfeit, or stolen ticket(s), coupon(s), ~~((or))~~ token(s), or electronic device for payment of any such tolls, or

(2) ~~((Such))~~ The person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) ~~((Such))~~ The person refuses to move a vehicle through the toll ~~((gates))~~ facility after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible

or where vehicles may not turn around and where vehicles are required to pass through the toll (~~gates~~) facility for the purpose of collecting tolls.

Sec. 2. RCW 46.63.030 and 2002 c 279 s 14 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:
(a) When the infraction is committed in the officer's presence;
(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; (~~or~~)
(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; or
(d) When the notice of infraction is detected through the use of a photo enforcement system under section 6 of this act.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering--Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of a photo enforcement system under section 6 of this act, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of section 6 of this act, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

Sec. 4. RCW 46.16.216 and 1990 2nd ex.s. c 1 s 401 are each amended to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) include only those violations for which notice has been received from state or local agencies or courts by the department one hundred twenty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred twenty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, (~~and~~) or parking violations, or other infractions issued under RCW 46.63.030(1)(d), or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, (~~and~~) or parking violations, or other infractions issued under RCW 46.63.030(1)(d) exist, presents proof of payment and pays a fifteen dollar surcharge.

(2) The surcharge shall be allocated as follows:

(a) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the state or local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations or other infractions issued under RCW 46.63.030(1)(d) incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations or other infractions issued under RCW 46.63.030(1)(d), at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

Sec. 5. RCW 46.20.270 and 1990 2nd ex.s. c 1 s 402 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every state agency or municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a state or local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, ~~(or)~~ parking, or other infraction issued under RCW 46.63.030(1)(d) has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that two or more violations of laws governing standing, stopping, and parking or one or more other infractions issued under RCW 46.63.030(1)(d) have been committed and indicating the nature of the defendant's failure to act. Such violations or infractions may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

NEW SECTION. Sec. 6. A new section is added to chapter 46.63 RCW to read as follows:

(1) This section applies only to traffic infractions issued under RCW 46.61.690 for toll collection evasion.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.

(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.

(6) The use of a toll collection system is subject to the following requirements:

(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

(7) The use of a photo enforcement system for issuance of notices of infraction is subject to the following requirements:

(a) Photo enforcement systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo enforcement system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the exclusive use of the tolling agency and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, video tape, or other recorded image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo enforcement system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by a photo enforcement system.

(8) Infractions detected through the use of photo enforcement systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(9) If the registered owner of the vehicle is a rental car business the department of transportation or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction."

In line 1 of the title, after "evasion;" strike the remainder of the title and insert "amending RCW 46.61.690, 46.63.030, 46.16.216, and 46.20.270; and adding new sections to chapter 46.63 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2475 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Murray and Ericksen spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2475, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2475, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Boldt, McMahan, Mielke and Orcutt - 4.

Excused: Representative Edwards - 1.

SUBSTITUTE HOUSE BILL NO. 2475, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 2475.

PATRICIA LANTZ, 26th District

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2476, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.370 and 1997 c 432 s 6 and 1997 c 33 s 1 are each reenacted and amended to read as follows:

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(3) A commercial parking company requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(4) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers; ~~((or))~~

(5) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

(6) A company or its agents operating a toll facility under chapter 47.46 RCW or other applicable authority requiring the names, addresses, and vehicle information of motor vehicle registered owners to identify toll violators.

~~((In the event))~~ If a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution, toll facility operator, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

NEW SECTION. Sec. 2. A new section is added to chapter 47.46 RCW to read as follows:

(1) Tolls may be collected by any system that identifies the correct toll and collects the payment. Systems may include manual cash collection, electronic toll collection, and photo monitoring systems.

(a) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account. The department shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) "Photo monitoring system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system in a toll facility that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated within a toll facility.

(c) No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than toll enforcement, nor retained longer than necessary to verify that tolls are paid, or to enforce toll evasion violations.

(2) The department shall adopt rules to govern toll collection."

In line 1 of the title, after "collection;" strike the remainder of the title and insert "reenacting and amending RCW 46.12.370; and adding a new section to chapter 47.46 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 2476 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Murray and Ericksen spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2476, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2476, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 2476, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of ecology, in consultation with the solid waste advisory committee created under RCW 70.95.040, shall conduct research and develop recommendations for implementing and financing an electronic product collection, recycling, and reuse program. The department and the solid waste advisory committee shall consult with stakeholders including persons who represent covered electronic product manufacturers, covered electronic product retailers, waste haulers, electronics recyclers, charities, cities, counties, environmental organizations, public interest organizations, and other interested parties that have a role or interest in the collection, reuse, and recycling of covered electronic products.

(2) The department shall identify and evaluate existing projects and encourage new pilot projects for covered electronic product collection, recycling, and reuse that allow for new information to be obtained. In evaluating new and existing projects, factors to be considered include:

(a) Urban versus rural recycling challenges and issues;
(b) The involvement of covered electronic product manufacturers;
(c) Different methods of financing the collection, reuse, and recycling programs for covered electronic products;
(d) The impact of the approach on local governments, nonprofit organizations, waste haulers, and other stakeholders;

(e) How to address historic and orphan waste; and
(f) The effect of landfill bans on collection and recovery of covered electronic products.

(3) The department shall also:

(a) Examine existing programs and infrastructure for reuse and recycling of electronic waste;
(b) Compile information on electronic product manufacturers' covered electronic product collection, recycling, and reuse programs;
(c) Review existing data on the costs to collect, transport, and recycle electronic waste;
(d) Develop possible performance measures to assess the effectiveness of collection, reuse, and recycling of covered electronic products;

(e) Develop a description of what could be accomplished voluntarily and what would require regulation or legislation if needed to implement the recommended statewide collection, recycling, and reuse program for covered electronic products;

(f) Research the potential impacts of recycling or reusing electronic waste on jobs, recycling infrastructure, and economic development;

(g) Evaluate the suitability of lined and unlined facilities for the disposal of covered electronic products;

(h) Explore state financial incentives for developing business opportunities and jobs in the area of covered electronic product recycling and reuse infrastructure;

(i) Develop and assess ways to establish and finance a statewide collection, reuse, and recycling program for covered electronic products;

(j) Work with the federal environmental protection agency, other federal agencies, and interested stakeholders to:

(i) Determine the amount of electronic waste exported from Washington that is subject to reporting under 40 C.F.R. part 262;

(ii) Determine the amount of electronic waste exported from Washington that is not subject to reporting under 40 C.F.R. part 262, including electronic waste from households, small quantity generators, regulated generators, and other sources; and

(iii) Identify methods to determine if exports of electronic waste from Washington are in compliance with national laws in destination countries;

(k) Examine the need for and develop recommendations to address electronic waste collection, reuse, and recycling services, and financing options for charities, school districts, government agencies, and small businesses; and

(l) Give special consideration to costs incurred by charitable organizations receiving unwanted electronic products and possible pilot projects and other waste collection systems that could be developed to address these products and costs related to disposal.

(4) The department shall report its findings and recommendations for implementing and financing an electronic product collection, recycling, and reuse program to the appropriate committees of the legislature by December 15, 2004, and December 15, 2005.

(5) For purposes of this section "covered electronic product" means computer monitors, personal computers, and televisions sold to consumers for personal use, but does not include: (a) An automobile or any cathode ray tube, cathode ray tube device, flat panel screen, personal computer, or other similar video display device that is contained within, and is not separate from, the automobile; or (b) monitoring and control instruments and systems, medical devices and products, including materials intended for use as ingredients in such products, as such terms are defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts, and other equipment used in the delivery of patient care in a health care setting.

(6) This section expires December 31, 2005."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Cooper spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2488, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2488, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Vелoria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.16.0491 and 1999 c 311 s 402 are each amended to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

(i) A rural county, which on the date that a contribution is made to an electric utility rural economic development revolving fund is a county with a population density of less than one hundred persons per square mile as determined by the office of financial management ~~((and published each year by the department for the period July 1st to June 30th))~~; or

(ii) Any geographic area in the state that receives electricity from a light and power business with twelve thousand or fewer customers ~~((and with fewer than twenty six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry))~~.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is (i) a board of directors with at least, but not limited to, three members representing local businesses and community groups who have been appointed by the sponsoring electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund; or (ii) a board of directors of an existing associate development organization serving the qualifying rural area who have been designated by the sponsoring electrical utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(2) A light and power business ~~((with fewer than twenty six active meters per mile of distribution line in any geographic area in the state))~~ shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any ~~((calendar))~~ fiscal year directly to an electric utility rural economic development revolving fund. The credit shall be taken in a form and manner as required by the department. The credit under this section shall not exceed twenty-five thousand dollars per ~~((calendar))~~ fiscal year per light and power business. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one ~~((calendar))~~ fiscal year may not be used to earn a credit in subsequent years, except that this limitation does not apply to expenditures made between January 1, 2004, and March 31, 2004, which expenditures may be used to earn a credit through December 30, 2004.

(3) The right to earn tax credits under this section expires ~~((December 31, 2005))~~ June 30, 2011.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish, or have a local board establish with the business's contribution, an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside or work in the qualifying rural area served by the light and power business. Expenditures from the electric utility rural economic development revolving fund shall be made solely on qualifying projects, and the local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development ~~((revolving))~~ revolving fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development ~~((revolving))~~ revolving fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development ~~((revolving))~~ revolving fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits that may be used in any fiscal year shall not exceed three hundred fifty thousand dollars in any fiscal year. The department shall allow the use of earned credits on a first-come, first-served basis. Unused earned credits may be carried over to subsequent years.

(8) The following provisions apply to expenditures under subsection (2) of this section made between January 1, 2004, and March 31, 2004:

(a) Credits earned from such expenditures are not considered in computing the statewide limitation set forth in subsection (7) of this section for the period July 1, 2004, through December 31, 2004; and

(b) For the fiscal year ending June 30, 2005, the credit allowed under this section for light and power businesses making expenditures is limited to thirty-seven thousand five hundred dollars.

NEW SECTION. Sec. 2. (1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(2) The goal of the tax credit available to light and power businesses for contributing to an electric utility rural economic development revolving fund in section 1 of this act is to support qualifying projects that create or retain jobs, add or upgrade health and safety facilities, facilitate energy and water conservation, or develop renewable sources of energy in a qualified area. The goal of this tax credit is achieved when the investment of the revolving funds established under section 1 of this act have generated capital investment in an amount of four million seven hundred fifty thousand dollars or more within a five-year period.

NEW SECTION. Sec. 3. This act takes effect July 1, 2004."

On page 1, line 1 of the title, after "credits;" strike the remainder of the title and insert "amending RCW 82.16.0491; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McMorris and Morris spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2675, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2675, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Moeller - 1.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2485, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.56.115 and 1983 c 147 s 2 are each amended to read as follows:

Judgments founded on the tortious conduct of the state of Washington or of the political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in their governmental or proprietary capacities, shall bear interest from the date of entry at two percentage points above the ((maximum rate permitted under RCW 19.52.020 on)) equivalent coupon issue yield (as published by the board of governors of the federal reserve system) of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry thereof((= PROVIDED, That)). In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

Sec. 2. RCW 4.56.110 and 1989 c 360 s 19 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3) Judgments founded on the tortious conduct of individuals or other entities, whether acting in their personal or representative capacities, shall bear interest from the date of entry at two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(4) Except as provided under subsections (1) ~~((and)),~~ (2), and (3) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof(~~= PROVIDED, That~~). In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

NEW SECTION. Sec. 3. The rate of interest required by sections 1 and 2(3), chapter..., Laws of 2004 (sections 1 and 2(3) of this act) applies to the accrual of interest:

(1) As of the date of entry of judgment with respect to a judgment that is entered on or after the effective date of this act;

(2) As of the effective date of this act with respect to a judgment that was entered before the effective date of this act and that is still accruing interest on the effective date of this act.

Sec. 4. RCW 19.52.025 and 1986 c 60 s 1 are each amended to read as follows:

Each month the state treasurer shall compute the highest rate of interest permissible under RCW 19.52.020(1), and the rate of interest required by RCW 4.56.110(3) and 4.56.115, for the succeeding calendar month. The treasurer shall file ~~((this rate))~~ these rates with the state code reviser for publication in the next available issue of the Washington State Register in compliance with RCW 34.08.020(8)."

On page 1, line 1 of the title, after "judgments;" strike the remainder of the title and insert "amending RCW 4.56.115, 4.56.110, and 19.52.025; and creating a new section."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 2485 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lantz and Carrell spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2485, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2485, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Cox, Crouse, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hunter, Jarrett, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Quall, Roach, Rockefeller, Rodne, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, Skinner, Sommers, Sump, Talcott, Tom, Wallace, Woods and Mr. Speaker - 70.

Voting nay: Representatives Blake, Campbell, Chase, Conway, Cooper, Darneille, Dickerson, Flannigan, Hudgins, Hunt, Kagi, Kenney, Kessler, Kirby, McDermott, McIntire, Murray, Ormsby, Pettigrew, Romero, Ruderman, D. Simpson, G. Simpson, Sullivan, Upthegrove, Veloria and Wood - 27.

Excused: Representative Edwards - 1.

HOUSE BILL NO. 2485, as amended by the Senate, having received the constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 3212 By Representatives Hunt, McDermott, Conway, Veloria, Cooper, Hudgins, Darneille,

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AN ACT Relating to creating an open primary with voluntary party registration; amending RCW 29A.04.007, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.020, 29A.44.200, 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, and 42.17.020; reenacting and amending RCW 42.17.310 and 42.17.310; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding a new chapter to Title 29A RCW; creating new sections; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Held on First Reading.

HB 3213 By Representative Hunt

AN ACT Relating to an open primary; amending RCW 29A.04.007, 29A.04.085, 29A.04.215, 29A.04.310, 29A.04.320, 29A.12.100, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.200, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, 29A.80.060, 29A.04.610, and 42.17.020; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.04.903; and declaring an emergency.

Held on First Reading.

HB 3214 By Representatives Hankins, Veloria, Campbell, G. Simpson, Boldt, Haigh, Bush, Chase,

AN ACT Relating to emergency respite centers; amending RCW 13.32A.030, 13.32A.050, and 13.32A.090; and reenacting and amending RCW 13.32A.060 and 74.15.020.

Held on First Reading.

ESSB 6233 By Senate Committee on Ways & Means (originally sponsored by Senators Hewitt and

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AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.99E.025, 70.146.030, and 43.82.010; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 159, 169, 234, 313, 312, 317, 340, 367, 369, 354, 394, 397, 406, 501, 743, 678, 738, 130, 135, 267, 273, 304, 310, 315, 356, 379, 389, 390, 412, 426, 601, 603, 606, 615, 633, 659, 702, 786, 798, 801, 695, 784, 787, 795, 628, 905, 907, and 915 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; creating a new section; and declaring an emergency.

Held on First Reading.

SB 6448 By Senators Zarelli, Prentice and Winsley; by request of Department of Revenue

AN ACT Relating to transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue; amending RCW 43.20A.725 and 80.36.430; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and providing an effective date.

SB 6490 By Senators Zarelli and Kline; by request of Department of Revenue and Department of

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AN ACT Relating to exempting fuel cells from sales and use taxes; and amending RCW 82.08.02567 and 82.12.02567.

SB 6515 By Senators Zarelli, Regala and Winsley; by request of Department of Revenue

AN ACT Relating to correcting errors, omissions, and inconsistencies within Title 82 RCW from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement; amending RCW 82.08.0283, 82.08.0281, 82.08.945, 82.12.945, 82.08.0293, 82.08.037, 82.08.100, 82.12.037, 82.12.070, 82.32.060, 82.04.4284, 82.16.050, 82.14B.150, 82.58.050, 82.04.040, 82.32.520, 82.32.530, 82.02.230, 82.08.010, 82.04.050, 82.32.525, 82.08.080, and 82.04.530; amending 2003 c 168 s 902 (uncodified); reenacting and amending RCW 82.12.0277; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating a new section; providing effective dates; providing a contingent expiration date; and declaring an emergency.

There being no objection, SENATE BILL NO. 6448 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, SENATE BILL NO. 6490 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, SENATE BILL NO. 6515 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

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

There being no objection, the Rules Committee was relieved of SECOND SUBSTITUTE SENATE BILL NO. 6144, and the bill was placed on the second reading calendar.

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

SECOND READING

HOUSE BILL NO. 2554, By Representatives Dickerson, Kagi, Lovick, Delvin, Pettigrew, Rockefeller and Wood; by request of Department of Social and Health Services

Authorizing collection of support payments for children with developmental disabilities in out-of-home care.

The bill was read the second time. There being no objection, Substitute House Bill No. 2554 was substituted for House Bill No. 2554 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2554 was read the second time.

Representative Dickerson moved the adoption of amendment (787):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.160 and 1997 c 58 s 505 are each amended to read as follows:

(1) In an action brought under this chapter, the court may inquire into the ability of the parent or parents of the child to pay child support and may enter an order of child support as set forth in chapter 26.19 RCW. The court may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. All child support orders entered pursuant to this chapter shall be in compliance with the provisions of RCW 26.23.050.

(2) For purposes of this section, if a dependent child's parent is an unmarried minor parent or pregnant minor applicant, then the parent or parents of the minor shall also be deemed a parent or parents of the dependent child. However, liability for child support under this subsection only exists if the parent or parents of the unmarried minor parent or pregnant minor applicant are provided the opportunity for a hearing on their ability to provide support. Any child support order requiring such a parent or parents to provide support for the minor parent's child may be effective only until the minor parent reaches eighteen years of age.

(3) In the absence of a court order setting support, the department may establish an administrative order for support upon receipt of a referral or application for support enforcement services.

Sec. 2. RCW 13.34.270 and 2000 c 122 s 33 are each amended to read as follows:

(1) Whenever the department places a child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within one hundred eighty days of the placement that continued placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination is required.

(2) To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability and that the child has been placed in out-of-home care pursuant to RCW 74.13.350. The petition shall request that the court review the child's placement, make a determination whether continued placement is in the best interests of the child, and take other necessary action as provided in this section. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care. Reasonable attempts shall be made by the department to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

(3) Upon filing of the petition, the clerk of the court shall schedule the petition for a hearing to be held no later than fourteen calendar days after the petition has been filed. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this section may be given by the most expedient means, including but not limited to, mail, personal service, and telephone.

(4) The court shall appoint a guardian ad litem for the child as provided in RCW 13.34.100, unless the court for good cause finds the appointment unnecessary.

(5) Permanency planning hearings shall be held as provided in this section. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

(a) For children age ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order under chapter 11.88 RCW has not previously been entered. The hearing shall take place no later than twelve months following commencement of the child's current placement episode.

(b) For children over age ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order under chapter 11.88 RCW has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(c) No later than ten working days before the permanency planning hearing, the department shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties. The plan shall be directed toward securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent or legal guardian; adoption; guardianship; or long-term out-of-home care, until the child is age eighteen, with a written agreement between the parties and the child's care provider.

(d) If a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

(e) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the voluntary placement agreement is terminated.

(6) Any party to the voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian, unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The department shall notify the court upon termination of the voluntary placement agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, an action under this section shall be dismissed.

(7) When state or federal funds are expended for the care and maintenance of a child with a developmental disability, placed in care as a result of an action under this chapter, the department shall refer the case to the division of child support, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(8) This section does not prevent the department from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030. An action filed under this section shall be dismissed upon the filing of a dependency petition regarding a child who is the subject of the action under this section.

Sec. 3. RCW 74.13.031 and 2001 c 192 s 1 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

~~((12))~~ (13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

~~((13))~~ (14) Have authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

Sec. 4. RCW 74.13.350 and 1998 c 229 s 1 are each amended to read as follows:

It is the intent of the legislature that parents are responsible for the care and support of children with developmental disabilities. The legislature recognizes that, because of the intense support required to care for a child with developmental disabilities, the help of an out-of-home placement may be needed. It is the intent of the legislature that, when the sole reason for the out-of-home placement is the child's developmental disability, such services be offered by the department to these children and their families through a voluntary placement agreement. In these cases, the parents shall retain legal custody of the child.

As used in this section, "voluntary placement agreement" means a written agreement between the department and a child's parent or legal guardian authorizing the department to place the child in a licensed facility. Under the terms of this agreement, the parent or legal guardian shall retain legal custody and the department shall be responsible for the child's placement and care. The agreement shall at a minimum specify the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the department while the child is in placement. The agreement must be signed by the child's parent or legal guardian and the department to be in effect, except that an agreement regarding an Indian child shall not be valid unless executed in writing before the court and filed with the court as provided in RCW 13.34.245. Any party to a voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.

As used in this section, "out-of-home placement" and "out-of-home care" mean the placement of a child in a foster family home or group care facility licensed under chapter 74.15 RCW.

Whenever the department places a child in out-of-home care under a voluntary placement pursuant to this section, the department shall have the responsibility for the child's placement and care. The department shall develop a permanency plan of care for the child no later than sixty days from the date that the department assumes responsibility for the child's placement and care. Within the first one hundred eighty days of the placement, the department shall obtain a judicial determination pursuant to RCW 13.04.030(1)(j) and 13.34.270 that the placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination under RCW 13.04.030(1)(b) is required. The permanency planning hearings shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

The department shall provide for periodic administrative reviews as required by federal law. A review may be called at any time by either the department, the parent, or the legal guardian.

Nothing in this section shall prevent the department from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030.

The department shall adopt rules providing for the implementation of chapter 386, Laws of 1997 and the transfer of responsibility for out-of-home placements from the dependency process under chapter 13.34 RCW to the process under this chapter.

It is the intent of the legislature that the department undertake voluntary out-of-home placement in cases where the child's developmental disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child, and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home. If the department does not accept a voluntary placement agreement signed by the parent, a petition may be filed and an action pursued under chapter 13.34 RCW. The department shall inform the parent, guardian, or legal custodian in writing of their right to civil action under chapter 13.34 RCW.

Nothing in this section prohibits the department from seeking support from parents of a child, including a child with a developmental disability if the child has been placed into care as a result of an action under chapter 13.34 RCW, when state or federal funds are expended for the care and maintenance of that child or when the department receives an application for services from the physical custodian of the child, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents.

Sec. 5. RCW 74.20A.030 and 2000 c 86 s 7 are each amended to read as follows:

(1) The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, or for the care and maintenance of a child, including a child with a developmental disability if the child has been placed into care as a result of an action under 13.34 RCW, under a state-funded program, or a program funded under Title IV-A or IV-E of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a child support order. Distribution of any support moneys shall be made in accordance with RCW 26.23.035.

(2) The department may initiate, continue, maintain, or execute an action to establish, enforce, and collect a support obligation, including establishing paternity and performing related services, under this chapter and chapter 74.20 RCW, or through the attorney general or prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23, or 26.26 RCW or other appropriate statutes or the common law of this state, for so long as and under such conditions as the department may establish by regulation.

(3) Public assistance moneys shall be exempt from collection action under this chapter except as provided in RCW 74.20A.270.

(4) ~~((No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from a residential habilitation center as defined by RCW 71A.10.020(8). For the period July 1, 1993, through June 30, 1995, a collection action may be taken against parents of children with developmental disabilities who are placed in community-based residential care. The amount of support the department may collect from the parents shall not exceed one half of the parents' support obligation accrued while the child was in community-based residential care.))~~ The child support obligation shall be calculated pursuant to chapter 26.19 RCW.

NEW SECTION. **Sec. 6.** This act takes effect July 1, 2004."

Representative Buck moved the adoption of amendment (1195) to amendment (787):

On page 9, beginning on line 34, after "(4)" strike everything through "~~71A.10.020(8).~~" on line 37 and insert "No collection action shall be taken against parents of children eligible for admission to, or children who have been discharged from, a residential habilitation center as defined by RCW 71A.10.020(8) unless the child with a developmental disability is placed as a result of an action under chapter 13.34 RCW."

Representatives Buck and Dickerson spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment as amended was adopted. The bill was ordered engrossed.

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

Representatives Dickerson, Boldt and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2554.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2554 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6515, By Senators Zarelli, Regala and Winsley; by request of Department of Revenue)

Correcting errors in and omissions from chapter 168, Laws of 2003, which implemented portions of the streamlined sales and use tax agreement.

The bill was read the second time.

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

Representatives Morris and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6515.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6515 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SENATE BILL NO. 6515, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6490, By Senators Zarelli and Kline; by request of Department of Revenue and Department of General Administration

Exempting fuel cells from sales and use taxes.

The bill was read the second time.

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

Representatives Morris and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6490.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6490 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SENATE BILL NO. 6490, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6448, By Senators Zarelli, Prentice and Winsley; by request of Department of Revenue

Transferring responsibility for collecting certain telephone program excise taxes from the department of social and health services to the department of revenue.

The bill was read the second time.

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

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6448.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6448 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Edwards - 1.

SENATE BILL NO. 6448, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Hatfield to preside.

HOUSE BILL NO. 2883, By Representatives Lovick, Murray, Dickerson, Romero and Campbell; by request of Department of Social and Health Services and Department of Health

Describing specialized commercial vehicles used for patient transportation.

The bill was read the second time.

Representative Cody moved the adoption of amendment (1189):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that requiring all patients who need to travel in a prone or supine position but are medically stable, to be transported by ambulance can be overly restrictive to individuals with disabilities. These individuals frequently travel by means of reclining wheelchairs or devices commonly referred to as banana carts. Expanding travel options for these individuals will give them greater opportunities for mobility and reduce their costs of travel.

Sec. 2. RCW 18.73.030 and 2000 c 93 s 16 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.

- (1) "Secretary" means the secretary of the department of health.
- (2) "Department" means the department of health.
- (3) "Committee" means the emergency medical services licensing and certification advisory committee.
- (4) "Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.
- (5) "Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.
- (6) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081.

- (7) "Ambulance service" means an organization that operates one or more ambulances.
- (8) "Aid service" means an organization that operates one or more aid vehicles.
- (9) "Emergency medical service" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.
- (10) "Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services and trauma care system.
- (11) "Prehospital patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These procedures shall be based upon the assessment of the patient's medical needs and what treatment will be provided for emergency conditions. The protocols shall meet or exceed statewide minimum standards developed by the department in rule as authorized in chapter 70.168 RCW.
- (12) "Patient care procedures" means written operating guidelines adopted by the regional emergency medical services and trauma care council, in consultation with the local emergency medical services and trauma care councils, emergency communication centers, and the emergency medical services medical program director, in accordance with statewide minimum standards. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.
- (13) "Emergency medical services medical program director" means a person who is an approved medical program director as defined by RCW 18.71.205(4).
- (14) "Council" means the local or regional emergency medical services and trauma care council as authorized under chapter 70.168 RCW.
- (15) "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.
- (16) "Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined by chapter 18.71 RCW.
- (17) "First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.
- (18) "Stretcher" means a cart designed to serve as a litter for the transportation of a patient in a prone or supine position as is commonly used in the ambulance industry, such as wheeled stretchers, portable stretchers, stair chairs, solid backboards, scoop stretchers, basket stretchers, or flexible stretchers. The term does not include personal mobility aids that recline at an angle or remain at a flat position, that are owned or leased for a period of at least one week by the individual using the equipment or the individual's guardian or representative, such as wheelchairs, personal gurneys, or banana carts."

Representatives Cody and Ericksen spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Lovick, Hinkle and Eickmeyer spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representative Schual-Berke was excused.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2883.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2883 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Wallace - 1.

Excused: Representatives Edwards and Schual-Berke - 2.

ENGROSSED HOUSE BILL NO. 2883, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5428 and the bill was placed on the third reading calendar.

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 5428 was returned to second reading for purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5428, By Senate Committee on Highways & Transportation (originally sponsored by Senators Finkbeiner, Haugen, Horn and Shin; by request of Department of Licensing)

Allowing alternative means of renewing driver's licenses.

There being no objection, the House reconsidered the vote by which amendment (1085) was adopted. With the consent of the House, the amendment was withdrawn.

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

Representatives G. Simpson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Hatfield presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5428.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5428 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Schoesler - 1.

Excused: Representatives Edwards and Schual-Berke - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5428, having received the necessary constitutional majority, was declared passed.

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

SECOND SUBSTITUTE SENATE BILL NO. 6144, By Senate Committee on Ways & Means (originally sponsored by Senators Morton and Deccio)

Developing a statewide plan to address forest health.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For committee amendment, see Journal, 47th Day, February 27, 2004.)

Representative Rockefeller moved the adoption of amendment (1134) to the committee amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 76.06 RCW to read as follows:

(1) The legislature finds that Washington faces serious forest health problems where forests are overcrowded or trees are infested with or susceptible to insects, diseases, wind, ice storms, and fire. The causes and contributions to these susceptible conditions include fire suppression, past timber harvesting and silvicultural practices, and the amplified risks that occur when the urban interface penetrates forest land.

(2) The legislature further finds that forest health problems may exist on forest land regardless of ownership, and the state should explore all possible avenues for working in collaboration with the federal government to address common health deficiencies.

(3) The legislature further finds that healthy forests benefit not only the economic interests that rely on forest products but also provide environmental benefits, such as improved water quality and habitat for fish and wildlife.

NEW SECTION. Sec. 2. A new section is added to chapter 76.06 RCW to read as follows:

(1) The commissioner of public lands is designated as the state of Washington's lead for all forest health issues.

(2) The commissioner of public lands shall strive to promote communications between the state and the federal government regarding forest land management decisions that potentially affect the health of forests in Washington and will allow the state to have an influence on the management of federally owned land in Washington. Such government-to-government cooperation is vital if the condition of the state's public and private forest lands are to be protected. These activities may include, when deemed by the commissioner to be in the best interest of the state:

(a) Representing the state's interest before all appropriate local, state, and federal agencies;

(b) Assuming the lead state role for developing formal comments on federal forest management plans that may have an impact on the health of forests in Washington; and

(c) Pursuing in an expedited manner any available and appropriate cooperative agreements, including cooperating agency status designation, with the United States forest service and the United States bureau of land management that allow for meaningful participation in any federal land management plans that could affect the department's strategic plan for healthy forests and effective fire prevention and suppression, including the pursuit of any options available for giving effect to the cooperative philosophy contained within the national environmental policy act of 1969 (42 U.S.C. Sec. 4331).

(3) The commissioner of public lands shall report to the chairs of the appropriate standing committees of the legislature every year on progress under this section, including the identification, if deemed appropriate by the commissioner, of any needed statutory changes, policy issues, or funding needs.

NEW SECTION. Sec. 3. The commissioner of public lands shall develop a statewide plan for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington by December 30, 2004. In developing the statewide plan, the commissioner shall work with and consult the work group created in section 4 of this act.

NEW SECTION. Sec. 4. (1) A work group is created to study opportunities to improve the forest health issues enumerated in section 1 of this act that are facing forest land in Washington and to help the commissioner of public lands develop a strategic plan under section 3 of this act. The work group may, if deemed necessary, identify and focus on regions of the state where forest health issues enumerated in section 1 of this act are the most critical.

(2)(a) The work group is comprised of individuals selected on the basis of their knowledge of forests, forest ecology, or forest health issues and, if determined by the commissioner of public lands to be necessary, should represent a mix of individuals with knowledge regarding specific regions of the state. Members of the work group shall be appointed by the commissioner of public lands, unless otherwise specified, and shall include:

(i) The commissioner of public lands or the commissioner's designee, who shall serve as chair;

(ii) A representative of a statewide industrial timber landowner's group;

(iii) A landowner representative from the small forest landowner advisory committee established in RCW 76.13.110;

(iv) A representative of a college within a state university that specializes in forestry or natural resources science;

(v) A representative of an environmental organization;

(vi) A representative of a county that has within its borders state-owned forest lands that are known to suffer from the forest health deficiencies enumerated in section 1 of this act;

(vii) A representative of the Washington state department of fish and wildlife;

(viii) A forest hydrologist, an entomologist, and a fire ecologist, if available;

(ix) A representative of the governor appointed by the governor; and

(x) A representative of a professional forestry organization.

(b) In addition to the membership of the work group outlined in this section, the commissioner of public lands shall also invite the full and equal participation of:

(i) A representative of a tribal government located in a region of the state where the forest health issues enumerated in section 1 of this act are present; and

(ii) A representative of both the United States forest service and the United States fish and wildlife service stationed to work primarily in Washington.

(3) The work group shall:

(a) Determine whether the goals and requirements of chapter 76.06 RCW are being met with regard to the identification, designation, and reduction of significant forest insect and disease threats to public and private forest resources, and whether the provisions of chapter 76.06 RCW are the most effective and appropriate way to address forest health issues;

(b) Study what incentives could be used to assist landowners with the costs of creating and maintaining forest health;

(c) Identify opportunities and barriers for improved prevention of losses of public and private resources to forest insects, diseases, wind, and fire;

(d) Assist the commissioner in developing a strategic plan under section 3 of this act for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington;

(e) Develop funding alternatives for consideration by the legislature;

(f) Explore possible opportunities for the state to enter into cooperative agreements with the federal government, or other avenues for the state to provide input on the management of federally owned land in Washington;

(g) Develop recommendations for the proper treatment of infested and fire and wind damaged forests on public and private lands within the context of working with interdisciplinary teams under the forest practices act to ensure that forest health is achieved with the protection of fish, wildlife, and other public resources;

(h) Analyze the state noxious weed control statutes and procedures (chapter 17.10 RCW) and the extreme hazard regulations adopted under the forest protection laws, to determine if the policies and procedures of these laws are applicable, or could serve as a model to support improved forest health; and

(i) Recommend whether the work group should be extended beyond the time that the required report has been submitted.

(4) The work group shall submit to the department of natural resources and the appropriate standing committees of the legislature, no later than December 30, 2004, its findings and recommendations for legislation that is necessary to implement the findings.

(5) The department of natural resources shall provide technical and staff support from existing staff for the work group created by this section.

(6) This section expires June 30, 2005.

NEW SECTION. Sec. 5. A new section is added to chapter 79.15 RCW to read as follows:

(1) The legislature intends to ensure, to the extent feasible given all applicable trust responsibilities, that trust beneficiaries receive long-term income from timber lands through improved forest conditions and by reducing the threat of forest fire to state trust forest lands.

(2) In order to implement the intent of subsection (1) of this section, the department may initiate contract harvesting timber sales, or other silvicultural treatments when appropriate, in specific areas of state trust forest land where the department has identified forest health deficiencies as enumerated in section 1 of this act. All harvesting or silvicultural treatments applied under this section must be tailored to improve the health of the specific stand, must be consistent with any applicable state forest plans and other management agreements, and must comply with all applicable state and federal laws and regulations regarding the harvest of timber by the department of natural resources.

(3) In utilizing contract harvesting to address forest health issues as outlined in this section, the department shall give priority to silvicultural treatments that assist the department in meeting forest health strategies included in any management or landscape plans that exist for state forests.

Sec. 6. RCW 79.15.510 and 2003 c 313 s 3 are each amended to read as follows:

(1) The department may establish a contract harvesting program ~~((by))~~ for directly contracting for the removal of timber and other valuable materials from state lands and for conducting silvicultural treatments consistent with section 5 of this act.

(2) The contract requirements must be compatible with the office of financial management's guide to public service contracts.

(3) The department may not use contract harvesting for more than ten percent of the total annual volume of timber offered for sale. However, volume removed primarily to address an identified forest health issue under section 5 of this act may not be included in calculating the ten percent annual limit of contract harvesting sales.

Sec. 7. RCW 79.15.520 and 2003 c 313 s 4 are each amended to read as follows:

(1) The contract harvesting revolving account is created in the custody of the state treasurer. All receipts from the gross proceeds of the sale of logs from a contract harvesting sale must be deposited into the account. Expenditures from the account may be used only for the payment of harvesting costs incurred on contract harvesting sales and for payment of costs incurred from silvicultural treatments necessary to improve forest health conducted under section 5 of this act. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The board of natural resources has oversight of the account, and the commissioner must periodically report to the board of natural resources as to the status of the account, its disbursement, and receipts. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) When the logs from a contract harvesting sale are sold, the gross proceeds must be deposited into the contract harvesting revolving account. Moneys equal to the harvesting costs must be retained in the account and be deducted from the gross proceeds to determine the net proceeds. The net proceeds from the sale of the logs must be distributed in accordance with RCW ~~((43.85.130))~~ 43.30.325(1)(b). The final receipt of gross proceeds on a contract harvesting sale must be retained in the contract harvesting revolving account until all required costs for that sale have been paid. The contract harvesting revolving account is an interest-bearing account and the interest must be credited to the account. The account balance may not exceed one million dollars at the end of each fiscal year. Moneys in excess of one million dollars must be disbursed according to RCW ~~((76.12.030, 76.12.120))~~ 79.22.040, 79.22.050, and 79.64.040. If the department permanently discontinues the use of contract harvesting sales, any sums remaining in the contract harvesting revolving account must be returned to the resource management cost account and the forest development account in proportion to each account's contribution to the initial balance of the contract harvesting revolving account.

Sec. 8. RCW 79.15.500 and 2003 c 313 s 2 are each amended to read as follows:

The definitions in this section apply throughout ~~((this chapter))~~ RCW 79.15.500 through 79.15.530 and section 5 of this act unless the context clearly requires otherwise.

(1) "Commissioner" means the commissioner of public lands.

(2) "Contract harvesting" means a timber operation occurring on state forest lands, in which the department contracts with a firm or individual to perform all the necessary harvesting work to process trees into logs sorted by department specifications. The department then sells the individual log sorts.

(3) "Department" means the department of natural resources.

(4) "Harvesting costs" are those expenses related to the production of log sorts from a stand of timber. These expenses typically involve road building, labor for felling, bucking, and yarding, as well as the transporting of sorted logs to the forest product purchasers.

(5) "Net proceeds" means gross proceeds from a contract harvesting sale less harvesting costs.

(6) "Silvicultural treatment" means any vegetative or other treatment applied to a managed forest to improve the conditions of the stand, and may include harvesting, thinning, prescribed burning, and pruning.

Sec. 9. 2003 c 313 s 13 (uncodified) is amended to read as follows:

By December 31, 2006, the department of natural resources must provide a report to the appropriate committees of the legislature ~~((concerning))~~ that provides:

(1) An accounting of the costs and effectiveness of the contract harvesting program; and

(2) A summary of sales carried out under the contract harvesting program primarily for silvicultural treatments that are permitted under section 5 of this act. ((The report must be submitted by December 31, 2006.))

NEW SECTION. Sec. 10. Sections 5 through 8 of this act are intended to provide interim tools to the department of natural resources to address forest health issues on state land prior to the completion of the assignment given to the work group in section 4 of this act. As such, sections 5 through 8 of this act expire December 31, 2007.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Rockefeller and Sump spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Rockefeller and Sump spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6144, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6144, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Schual-Berke - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6144, as amended by the House, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5139,
SUBSTITUTE SENATE BILL NO. 5168,
SENATE BILL NO. 5376,

SUBSTITUTE SENATE BILL NO. 5436,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5533,
SUBSTITUTE SENATE BILL NO. 5590,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5665,
SUBSTITUTE SENATE BILL NO. 5677,
SECOND SUBSTITUTE SENATE BILL NO. 5793,
SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5861,
SENATE BILL NO. 5869,
SENATE BILL NO. 6091,
SUBSTITUTE SENATE BILL NO. 6103,
SUBSTITUTE SENATE BILL NO. 6105,
SUBSTITUTE SENATE BILL NO. 6113,
SUBSTITUTE SENATE BILL NO. 6115,
SUBSTITUTE SENATE BILL NO. 6118,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
SENATE BILL NO. 6141,
SENATE BILL NO. 6143,
SUBSTITUTE SENATE BILL NO. 6146,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,
ENGROSSED SENATE BILL NO. 6158,
SUBSTITUTE SENATE BILL NO. 6160,
SENATE BILL NO. 6164,
SUBSTITUTE SENATE BILL NO. 6171,
SENATE BILL NO. 6213,
SUBSTITUTE SENATE BILL NO. 6216,
SECOND SUBSTITUTE SENATE BILL NO. 6220,
SENATE BILL NO. 6237,
SUBSTITUTE SENATE BILL NO. 6245,
SENATE BILL NO. 6249,
SENATE BILL NO. 6254,
SENATE BILL NO. 6259,
SUBSTITUTE SENATE BILL NO. 6261,
SUBSTITUTE SENATE BILL NO. 6265,
SENATE BILL NO. 6269,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6270,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6274,
SUBSTITUTE SENATE BILL NO. 6286,
SECOND SUBSTITUTE SENATE BILL NO. 6304,
SUBSTITUTE SENATE BILL NO. 6325,
SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6329,
SENATE BILL NO. 6337,
SENATE BILL NO. 6338,
SUBSTITUTE SENATE BILL NO. 6341,
SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6367,
SENATE BILL NO. 6372,
SUBSTITUTE SENATE BILL NO. 6377,
SENATE BILL NO. 6378,
SUBSTITUTE SENATE BILL NO. 6384,
SUBSTITUTE SENATE BILL NO. 6389,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6401,
SENATE BILL NO. 6407,
ENGROSSED SENATE BILL NO. 6411,
SENATE BILL NO. 6417,

SUBSTITUTE SENATE BILL NO. 6419,
SUBSTITUTE SENATE BILL NO. 6428,
SENATE BILL NO. 6439,
SENATE BILL NO. 6465,
SUBSTITUTE SENATE BILL NO. 6466,
SENATE BILL NO. 6476,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SENATE BILL NO. 6480,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6481,
SENATE BILL NO. 6493,
SUBSTITUTE SENATE BILL NO. 6494,
SUBSTITUTE SENATE BILL NO. 6501,
SENATE BILL NO. 6518,
SUBSTITUTE SENATE BILL NO. 6527,
SUBSTITUTE SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6568,
SUBSTITUTE SENATE BILL NO. 6581,
SUBSTITUTE SENATE BILL NO. 6584,
SENATE BILL NO. 6586,
ENGROSSED SENATE BILL NO. 6598,
SUBSTITUTE SENATE BILL NO. 6600,
SUBSTITUTE SENATE BILL NO. 6615,
SUBSTITUTE SENATE BILL NO. 6641,
SUBSTITUTE SENATE BILL NO. 6649,
SENATE BILL NO. 6650,
SUBSTITUTE SENATE BILL NO. 6688,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6731,
ENGROSSED SENATE JOINT MEMORIAL NO. 8039,
SENATE JOINT MEMORIAL NO. 8040,
ENGROSSED SENATE JOINT MEMORIAL NO. 8050,

MESSAGES FROM THE SENATE

March 10, 2004

Mr. Speaker:

The President has signed SECOND ENGROSSED HOUSE BILL NO. 1645, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 2364,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2601,
SUBSTITUTE HOUSE BILL NO. 2621,
SUBSTITUTE HOUSE BILL NO. 2685,
SUBSTITUTE HOUSE BILL NO. 2781,
HOUSE BILL NO. 2794,
HOUSE BILL NO. 2817,
SUBSTITUTE HOUSE BILL NO. 2849,
HOUSE BILL NO. 2859,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2891,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2905,
SUBSTITUTE HOUSE BILL NO. 2908,
SUBSTITUTE HOUSE BILL NO. 2984,

ENGROSSED HOUSE BILL NO. 2987,
SUBSTITUTE HOUSE BILL NO. 3051,
SUBSTITUTE HOUSE BILL NO. 3055,
SUBSTITUTE HOUSE BILL NO. 3057,
SECOND SUBSTITUTE HOUSE BILL NO. 3085,
SUBSTITUTE HOUSE BILL NO. 3092,
HOUSE JOINT MEMORIAL NO. 4031,
HOUSE JOINT MEMORIAL NO. 4040,
HOUSE JOINT MEMORIAL NO. 4041,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 2055,
HOUSE BILL NO. 2301,
SUBSTITUTE HOUSE BILL NO. 2308,
SUBSTITUTE HOUSE BILL NO. 2367,
HOUSE BILL NO. 2535,
HOUSE BILL NO. 2838,
SUBSTITUTE HOUSE BILL NO. 2910,
SUBSTITUTE HOUSE BILL NO. 2919,
ENGROSSED HOUSE BILL NO. 3036,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1572,
HOUSE BILL NO. 1589,
SUBSTITUTE HOUSE BILL NO. 1691,
SUBSTITUTE HOUSE BILL NO. 1867,
SUBSTITUTE HOUSE BILL NO. 2307,
ENGROSSED HOUSE BILL NO. 2318,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2383,
HOUSE BILL NO. 2453,
HOUSE BILL NO. 2454,
HOUSE BILL NO. 2483,
SUBSTITUTE HOUSE BILL NO. 2504,
HOUSE BILL NO. 2509,
SUBSTITUTE HOUSE BILL NO. 2532,
HOUSE BILL NO. 2534,
SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2575,
HOUSE BILL NO. 2577,
HOUSE BILL NO. 2598,
HOUSE BILL NO. 2612,
HOUSE BILL NO. 2647,
HOUSE BILL NO. 2683,
HOUSE BILL NO. 2703,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2830,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 2934, and passed the bill without said amendments, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295, and the same is herewith transmitted.

Milt H. Doumit, Secretary

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate insists on its position to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381 and asks the House to concur.

Milt H. Doumit, Secretary

There being no objection, the House insisted on its position regarding the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 10, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6339 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House insisted on its position in its amendments to SENATE BILL NO. 6339 and asked the Senate to concur therein.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate receded from the amendments by Committee on Land Use & Planning to SUBSTITUTE HOUSE BILL NO. 2452. Under suspension of the rules Substitute House Bill No. 2452, was returned to second reading for purpose of amendment. The Senate adopted the following amendments, and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 58.17.040 and 2002 c 44 s 1 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land,

unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan; ~~(and)~~

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 58.17.040."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2452 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Crouse and Ruderman spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2452, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2452, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 2452, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate receded from the amendment by Senator Haugen to SUBSTITUTE HOUSE BILL NO. 2660. Under suspension of the rules Substitute House Bill No. 2660 was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.05.140 and 2003 c 220 s 2 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock (~~or other device~~) under RCW 46.20.720 (~~for a petitioner who has previously been convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance or a petitioner who has been charged with such an offense and had an alcohol concentration of at least .15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration. For any other petitioner, the court may order the installation of an interlock device under RCW 46.20.720(1) as a condition of granting a deferred prosecution petition~~). The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(2) (a), (b), and (c). As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 2. RCW 46.20.308 and 2004 c. . . (Substitute House Bill No. 3055) s 2 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) ~~((If the driver refuses to take the test, the driver will not be eligible for an occupational permit; and~~
~~(⇨)))~~ If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

~~((⇨))~~ (c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if the driver is age twenty-one or over and the test indicates the alcohol concentration of the driver's breath or blood is 0.08 or more, or if the driver is under age twenty-one and the test indicates the alcohol concentration of the driver's breath or blood is 0.02 or more, or if the driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required one hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final

order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 3. RCW 46.20.311 and 2003 c 366 s 2 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock (~~or other biological or technical device~~), the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned ~~(and/or)~~ or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

~~((b))~~ (e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned ~~((and/or))~~ or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 4. RCW 46.20.3101 and 1998 c 213 s 2, 1998 c 209 s 2, and 1998 c 207 s 8 are each reenacted and amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. ~~((A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.))~~

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was in violation of RCW 46.61.502, 46.61.503, or 46.61.504:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this section for a suspension, revocation, or denial imposed under RCW 46.61.5055 arising out of the same incident.

Sec. 5. RCW 46.20.342 and 2001 c 325 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational or a temporary restricted driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.500, relating to reckless driving;

(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xvii) An administrative action taken by the department under chapter 46.20 RCW; or

(xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with

the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 6. RCW 46.20.380 and 1985 ex.s. c 1 s 6 are each amended to read as follows:

No person may file an application for an occupational or a temporary restricted driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of ~~((twenty-five))~~ one hundred dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

Sec. 7. RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are each reenacted and amended to read as follows:

(1)(a) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended, revoked, or denied under RCW 46.20.3101 ~~((2)(a) or (3)(a))~~, may submit to the department an application for ~~((an occupational))~~ a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is ~~((engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle))~~ eligible to receive the license, may issue ~~((an occupational))~~ a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, ~~((an occupational))~~ a temporary restricted driver's license that is effective during the first thirty days of any suspension or revocation imposed ~~((either))~~ for a violation of RCW 46.61.502 or 46.61.504 or ~~((under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department))~~, for a suspension, revocation, or denial imposed under RCW 46.20.3101, during the required minimum portion of the periods of suspension, revocation, or denial established under (c) of this subsection.

(b) An applicant under this subsection whose driver's license is suspended or revoked for an alcohol-related offense shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on a vehicle owned or operated by the person.

(i) The department shall require the person to maintain such a device on a vehicle owned or operated by the person and shall restrict the person to operating only vehicles equipped with such a device, for the remainder of the period of suspension, revocation, or denial.

(ii) Subject to any periodic renewal requirements established by the department pursuant to this section and subject to any applicable compliance requirements under this chapter or other law, a temporary restricted driver's license granted after a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 (1) and (2) (a), (b), and (c).

(c) The department shall provide by rule the minimum portions of the periods of suspension, revocation, or denial set forth in RCW 46.20.3101 after which a person may apply for a temporary restricted driver's license

under this section. In establishing the minimum portions of the periods of suspension, revocation, or denial, the department shall consider the requirements of federal law regarding state eligibility for grants or other funding, and shall establish such periods so as to ensure that the state will maintain its eligibility, or establish eligibility, to obtain incentive grants or any other federal funding.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license ((if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous)).

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation ((but not more than two years)).

((d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.

(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.))

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

(a) ((Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b)) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed ((any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii)) vehicular homicide under RCW 46.61.520(3) or ((iii)) vehicular assault under RCW 46.61.522; and

((e)) (b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle((; except as allowed under subsection (2)(a) of this section));

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

((d)) (c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The

effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 8. RCW 46.20.394 and 1999 c 272 s 2 are each amended to read as follows:

In issuing an occupational or a temporary restricted driver's license under RCW 46.20.391, the department shall describe the type of ~~((occupation permitted))~~ qualifying circumstances for the license and shall set forth in detail the specific hours of the day during which the person may drive to and from his ~~((place of work))~~ or her residence, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational or temporary restricted driver's license that meets the qualifying circumstance under RCW 46.20.391 ~~((2)(a)(iv))~~ (3)(b)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational or temporary restricted driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

Sec. 9. RCW 46.20.400 and 1967 c 32 s 33 are each amended to read as follows:

If an occupational or a temporary restricted driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's ~~((permit shall))~~ license may be issued to such person until he or she surrenders his or her occupational or temporary restricted driver's license and his or her copy of the order, and the director is satisfied that ~~((he))~~ the person complies with all other provisions of law relative to the issuance of a driver's license.

Sec. 10. RCW 46.20.410 and 1967 c 32 s 34 are each amended to read as follows:

Any person convicted for violation of any restriction of an occupational or a temporary restricted driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

Sec. 11. RCW 46.20.720 and 2003 c 366 s 1 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical device))~~. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2)~~((a))~~ The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock ~~((or other biological or technical))~~ device if the person is convicted of ~~((a))~~ an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance ~~((and it is:~~

(i) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration;

(ii) The person's second or subsequent conviction; or

(iii) The person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction).

~~((b))~~ The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area. ~~((Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.~~

~~(3) In the case of a person under subsection (1) of this section, the court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section,))~~ The device is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours.

The ignition interlock ~~((or other biological or technical))~~ device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more~~((7 and))~~. The period of time of the restriction will be as follows:

(a) For a person ~~((i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW; and (ii))~~ who has not previously been restricted under this section, a period of one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period of ten years.

~~((For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.))~~

Sec. 12. RCW 46.20.740 and 2001 c 55 s 1 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with ~~((a))~~ a functioning ignition interlock ~~((or other biological or technical))~~ device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.

Sec. 13. RCW 46.61.5055 and 2003 c 103 s 1 are each amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty

days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and (iii) By a court ordered restriction under RCW 46.20.720)~~).

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; (~~and (iii) By a court ordered restriction under RCW 46.20.720;~~) or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court ordered restriction under RCW 46.20.720)~~).

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~(; and~~

~~(iii) By a court ordered restriction under RCW 46.20.720)~~; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent(~~and~~

~~(iii) By a court-ordered restriction under RCW 46.20.720).~~

(4) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

(5) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

(6) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(7) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15(~~(or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration))~~):

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection (7), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(8) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(9)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock ~~((or other biological or technical))~~ device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) ~~((and)), (ii), or ((a)(i) and))~~ (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(10) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

(11) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

(12) For purposes of this section:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

Sec. 14. RCW 46.63.020 and 2003 c 33 s 4 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.005 relating to driving without a valid driver's license;
- (11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;
- (12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;
- (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.410 relating to the violation of restrictions of an occupational or temporary restricted driver's license;
- (16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;
- (17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (18) RCW 46.25.170 relating to commercial driver's licenses;
- (19) Chapter 46.29 RCW relating to financial responsibility;
- (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;
- (23) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (24) RCW 46.48.175 relating to the transportation of dangerous articles;
- (25) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (26) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (27) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (28) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (29) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (30) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (31) RCW 46.61.015 relating to obedience to police officers, flaggers, or fire fighters;
- (32) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (33) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (34) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (35) RCW 46.61.500 relating to reckless driving;
- (36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (39) RCW 46.61.522 relating to vehicular assault;
- (40) RCW 46.61.5249 relating to first degree negligent driving;
- (41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(42) RCW 46.61.530 relating to racing of vehicles on highways;
(43) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
(44) RCW 46.61.740 relating to theft of motor vehicle fuel;
(45) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
(46) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
(47) Chapter 46.65 RCW relating to habitual traffic offenders;
(48) RCW 46.68.010 relating to false statements made to obtain a refund;
(49) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
(50) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
(51) RCW 46.72A.060 relating to limousine carrier insurance;
(52) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
(53) RCW 46.72A.080 relating to false advertising by a limousine carrier;
(54) Chapter 46.80 RCW relating to motor vehicle wreckers;
(55) Chapter 46.82 RCW relating to driver's training schools;
(56) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
(57) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 15. RCW 46.68.041 and 1998 c 212 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

Sec. 16. RCW 46.68.260 and 1998 c 212 s 2 are each amended to read as follows:

The impaired driving safety account is created in the custody of the state treasurer. All receipts from fees collected under RCW 46.20.311 (1)((b)) (e)(ii), (2)(b)(ii), and (3)(b) shall be deposited according to RCW 46.68.041. Expenditures from this account may be used only to fund projects to reduce impaired driving and to provide funding to local governments for costs associated with enforcing laws relating to driving and boating while under the influence of intoxicating liquor or any drug. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 17. Section 2 of this act takes effect if section 2 of Substitute House Bill No. 3055 is enacted into law."

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 10.05.140, 46.20.308, 46.20.311, 46.20.342, 46.20.380, 46.20.394, 46.20.400, 46.20.410, 46.20.720, 46.20.740, 46.61.5055, 46.63.020, 46.68.041, and 46.68.260; reenacting and amending RCW 46.20.3101 and 46.20.391; and providing a contingent effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2660 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative G. Simpson spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2660, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2660, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 2660, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate receded from the amendment by the Committee on Children & Family Services & Corrections to SUBSTITUTE HOUSE BILL NO. 2988. Under suspension of the rules, Substitute House Bill No. 2988 was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(1) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

(2) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(3) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(4) The foster parent has advocated for services on behalf of the foster child;

(5) The foster parent has sought to adopt a foster child in the foster parent's care; or

(6) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman. The office of the family and children's ombudsman shall include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop procedures for responding to recommendations of the office of the family and children's ombudsman as a result of any and all complaints filed by foster parents under section 1 of this act."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "and adding new sections to chapter 74.13 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 2988 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Boldt and Kagi spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2988, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2988, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 2988, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 3103 and asks the House to concur therein, and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 3103 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney and Cox spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 3103, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3103, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter,

Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Chase, McDermott, Morrell, Ormsby and Wallace - 5.

Excused: Representatives Edwards and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 3103, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

HOUSE BILL NO. 3188, By Representatives Conway and Wood

Concerning liability to the department of labor and industries for premiums, overpayments, and penalties.

The bill was read the second time. There being no objection, Substitute House Bill No. 3188 was substituted for House Bill No. 3188 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3188 was read the second time.

Representative Conway moved the adoption of amendment (1210):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.08.177 and 1986 c 9 s 3 are each amended to read as follows:

"Successor" means any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of the taxpayer's business, a major part of the ~~((materials, supplies, merchandise, inventory, fixtures, or equipment))~~ property, whether real or personal, tangible or intangible, of the taxpayer.

Sec. 2. RCW 51.12.070 and 1981 c 128 s 4 are each amended to read as follows:

The provisions of this title ~~((shall))~~ apply to all work done by contract; the person, firm, or corporation who lets a contract for such work ~~((shall be))~~ is responsible primarily and directly for all premiums upon the work. The contractor and any subcontractor ~~((shall be))~~ are subject to the provisions of this title and the person, firm, or corporation letting the contract ~~((shall be))~~ is entitled to collect from the contractor the full amount payable in premiums and the contractor in turn ~~((shall be))~~ is entitled to collect from the subcontractor his or her proportionate amount of the payment.

For the purposes of this section, a contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW ~~((shall not be))~~ is not responsible for any premiums upon the work of any subcontractor if:

(1) The subcontractor is currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

(2) The subcontractor has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

(3) The subcontractor maintains a separate set of books or records that reflect all items of income and expenses of the business; ~~((and))~~

(4) The subcontractor has contracted to perform:

(a) The work of a contractor as defined in RCW 18.27.010; or

(b) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW; and

(5) The subcontractor has an industrial insurance account in good standing with the department or is a self-insurer. For the purposes of this subsection, a contractor may consider a subcontractor's account to be in good standing if, within a year prior to letting the contract or master service agreement, and at least once a year

thereafter, the contractor has verified with the department that the account is in good standing and the contractor has not received written notice from the department that the subcontractor's account status has changed. Acceptable documentation of verification includes a department document which includes an issued date or a dated printout of information from the department's internet web site showing a subcontractor's good standing. The department shall develop an approach to provide contractors with verification of the date of inquiries validating that the subcontractor's account is in good standing.

It ~~((shall be))~~ is unlawful for any county, city, or town to issue a construction building permit to any person who has not submitted to the department an estimate of payroll and paid premium thereon as provided by chapter 51.16 RCW of this title or proof ~~((that such person has qualified))~~ of qualification as a self-insurer.

NEW SECTION. Sec. 3. A new section is added to chapter 51.48 RCW to read as follows:

(1) Upon termination, dissolution, or abandonment of a corporate or limited liability company business, any officer, member, manager, or other person having control or supervision of payment and/or reporting of industrial insurance, or who is charged with the responsibility for the filing of returns, is personally liable for any unpaid premiums and interest and penalties on those premiums if such officer or other person willfully fails to pay or to cause to be paid any premiums due the department under chapter 51.16 RCW.

For purposes of this subsection "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

(2) The officer, member, manager, or other person is liable only for premiums that became due during the period he or she had the control, supervision, responsibility, or duty to act for the corporation described in subsection (1) of this section, plus interest and penalties on those premiums.

(3) The officer, member, manager, or other person is not liable if that person is not exempt from mandatory coverage under RCW 51.12.020 and was directed not to pay the employer's premiums by someone who is exempt.

(4) The officer, member, manager, or other person is not liable if all of the assets of the corporation or limited liability company have been applied to its debts through bankruptcy or receivership.

(5) Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 51.48.131.

(6) This section does not relieve the corporation or limited liability company of its liabilities under Title 51 RCW or otherwise impair other tax collection remedies afforded by law.

(7) Collection authority and procedures prescribed in this chapter apply to collections under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 51.16 RCW to read as follows:

The department shall, working with business associations and other employer and employee groups when practical, publish information and provide training to promote understanding of the premium liability that may be incurred under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 51.48 RCW to read as follows:

The department shall, working with business associations and other employer and employee groups when practical, publish information and provide training to promote understanding of the premium liability that may be incurred under this chapter.

Sec. 6. RCW 51.36.110 and 1994 c 154 s 312 are each amended to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.52.050, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; ~~((and))~~

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(4) Pursue collection of unpaid overpayments and/or penalties plus interest accrued from health care providers pursuant to RCW 51.32.240(6).

Sec. 7. RCW 51.32.240 and 2001 c 146 s 10 are each amended to read as follows:

(1)(a) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by ~~((fraud))~~ willful misrepresentation, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived.

(b) Except as provided in subsections (3), (4), and (5) of this section, the department may only assess an overpayment of benefits because of adjudicator error when the order upon which the overpayment is based is not yet final as provided in RCW 51.52.050 and 51.52.060. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(c) The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the department or self-insurer fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation, all not induced by recipient ~~((fraud))~~ willful misrepresentation, the recipient may request an adjustment of benefits to be paid from the state fund or by the self-insurer, as the case may be, subject to the following:

(a) The recipient must request an adjustment in benefits within one year from the date of the incorrect payment or it will be deemed any claim therefore has been waived.

(b) The recipient may not seek an adjustment of benefits because of adjudicator error. Adjustments due to adjudicator error are addressed by the filing of a written request for reconsideration with the department of labor and industries or an appeal with the board of industrial insurance appeals within sixty days from the date the order is communicated as provided in RCW 51.52.050. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(3) Whenever the department issues an order rejecting a claim for benefits paid pursuant to RCW 51.32.190 or 51.32.210, after payment for temporary disability benefits has been paid by a self-insurer pursuant to RCW 51.32.190(3) or by the department pursuant to RCW 51.32.210, the recipient thereof shall repay such benefits and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, under rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(4) Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or by order of the board or any court and timely appeal therefrom has been made where the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(5)(a) Whenever any payment of benefits under this title has been induced by ~~((fraud))~~ willful misrepresentation the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient on any claim with the state fund or self-insurer against whom the ~~((fraud))~~ willful misrepresentation was committed, as the case may be, and the amount of such penalty shall be placed in the supplemental pension fund. Such repayment or recoupment must be demanded or ordered within three years of the discovery of the ~~((fraud))~~ willful misrepresentation.

(b) For purposes of this subsection (5), it is willful misrepresentation for a person to obtain payments or other benefits under this title in an amount greater than that to which the person otherwise would be entitled. Willful misrepresentation includes:

(i) Willful false statement; or

(ii) Willful misrepresentation, omission, or concealment of any material fact.

(c) For purposes of this subsection (5), "willful" means a conscious or deliberate false statement, misrepresentation, omission, or concealment of a material fact with the specific intent of obtaining, continuing, or increasing benefits under this title.

(d) For purposes of this subsection (5), failure to disclose a work-type activity must be willful in order for a misrepresentation to have occurred.

(e) For purposes of this subsection (5), a material fact is one which would result in additional, increased, or continued benefits, including but not limited to facts about physical restrictions, or work-type activities which

either result in wages or income or would be reasonably expected to do so. Wages or income include the receipt of any goods or services. For a work-type activity to be reasonably expected to result in wages or income, a pattern of repeated activity must exist. For those activities that would reasonably be expected to result in wages or produce income, but for which actual wage or income information cannot be reasonably determined, the department shall impute wages pursuant to RCW 51.08.178(4).

(6) The worker, beneficiary, or other person affected thereby shall have the right to contest an order assessing an overpayment pursuant to this section in the same manner and to the same extent as provided under RCW 51.52.050 and 51.52.060. In the event such an order becomes final under chapter 51.52 RCW and notwithstanding the provisions of subsections (1) through (5) of this section, the director, director's designee, or self-insurer may file with the clerk in any county within the state a warrant in the amount of the sum representing the unpaid overpayment and/or penalty plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the worker, beneficiary, or other person mentioned in the warrant, the amount of the unpaid overpayment and/or penalty plus interest accrued, and the date the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the worker, beneficiary, or other person against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department or self-insurer in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the worker, beneficiary, or other person within three days of filing with the clerk.

The director, director's designee, or self-insurer may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice to withhold and deliver property of any kind if there is reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is due, owing, or belonging to any worker, beneficiary, or other person upon whom a warrant has been served for payments due the department or self-insurer. The notice and order to withhold and deliver shall be served by certified mail accompanied by an affidavit of service by mailing or served by the sheriff of the county, or by the sheriff's deputy, or by any authorized representative of the director, director's designee, or self-insurer. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired or in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property that may be subject to the claim of the department or self-insurer, such property shall be delivered forthwith to the director, the director's authorized representative, or self-insurer upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount, plus costs, claimed by the director, director's designee, or self-insurer in the notice. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

This subsection shall only apply to orders assessing an overpayment which are issued on or after July 28, 1991: PROVIDED, That this subsection shall apply retroactively to all orders assessing an overpayment resulting from fraud, civil or criminal.

(7) Orders assessing an overpayment which are issued on or after July 28, 1991, shall include a conspicuous notice of the collection methods available to the department or self-insurer.

Sec. 8. RCW 51.52.050 and 1987 c 151 s 1 are each amended to read as follows:

Whenever the department has made any order, decision, or award, it shall promptly serve the worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award shall become final within sixty days from the date the order is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia: PROVIDED, That a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker, shall state that such order or decision shall become final within twenty days from the date the order or decision is communicated to the

parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the worker, beneficiary, employer, or other person aggrieved thereby may request reconsideration of the department, or may appeal to the board. In an appeal before the board, the appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal: PROVIDED, That in an appeal from an order of the department that alleges (~~fraud~~) willful misrepresentation, the department or self-insured employer shall initially introduce all evidence in its case in chief. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

NEW SECTION. **Sec. 9.** Section 7 of this act applies to willful misrepresentation determinations issued on or after July 1, 2004.

NEW SECTION. **Sec. 10.** The department shall adopt rules to implement this act."

On page 1, line 2 of the title, after "penalties;" strike the remainder of the title and insert "amending RCW 51.08.177, 51.12.070, 51.36.110, 51.32.240, and 51.52.050; adding new sections to chapter 51.48 RCW; adding a new section to chapter 51.16 RCW; and creating new sections."

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

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

Representatives Conway and Condotta spoke in favor of passage of the bill.

COLLOQUY

Representative Condotta: "Is it the intent of this legislation to penalize an injured worker who is exploring another type of work activity and for which he or she receives no income or wages?"

Representative Conway: "No. The legislation is not intended to apply to a worker (1) who explores a job for a short period of time to determine whether he or she can do the job, and (2) who is not receiving wages, income of any sort, including anything of value, and (3) who is exploring the job with a business in which the individual, or his or her family, has no financial interest.

Accordingly, an individual who goes to a friend's business for a short time to learn what a customer service representative does, who observes the work of a customer service representative, and who attempts to perform that work but receives no compensation, income, goods, or services in return for his or her work should not be charged by the Department with the willful misrepresentation of a material fact to obtain payments or other benefits in an amount greater than that to which the individual would otherwise be entitled."

MOTION

On motion of Representative Clements, Representative Hinkle was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3188.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3188 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody,

Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Schual-Berke - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5232 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the rules were suspended and ENGROSSED SENATE BILL NO. 5232 was returned to second reading for purpose of amendment.

SECOND READING

ENGROSSED SENATE BILL NO. 5232, By Senator Morton

Authorizing multiyear excess property tax levies for cemetery districts.

Representative McIntire moved the adoption of amendment (1212):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 68.52.310 and 1973 1st ex.s. c 195 s 77 are each amended to read as follows:

The board of cemetery commissioners shall have no authority to contract indebtedness in any year in excess of the aggregate amount of the currently levied taxes, which annual tax levy for cemetery district purposes shall not exceed eleven and one-quarter cents per thousand dollars of assessed valuation and the tax levy amount authorized in RCW 84.52.130.

Sec. 2. RCW 84.52.054 and 1986 c 133 s 2 are each amended to read as follows:

The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and as thereafter amended, and specifically authorized by RCW 84.52.052, (~~as now or hereafter amended, and RCW~~) 84.52.053 (~~and~~), 84.52.0531, and 84.52.130 shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a (~~school district~~) proposition for a particular period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the years in that period. The dollar amount for each annual levy in the particular period may be equal or in different amounts.

Sec. 3. RCW 84.52.130 and 2002 c 180 s 2 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by a fire protection district, metropolitan park district, or cemetery district, when authorized so to do by the voters of (~~a fire protection~~) the district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for taxes shall be held in the year in which the levy is made, or in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of (~~a fire~~) the district, or authorizing two-year through six-year levies to

support the construction, modernization, or remodeling of ((fire)) district facilities, in the year in which the first annual levy is made. Once additional tax levies have been authorized for maintenance and operation support of a ((fire protection)) district for a two-year through four-year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized under this title.

A special election may be called and the time fixed by the ((fire protection district commissioners,)) district governing body by giving notice by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing the excess levy shall be submitted in a form as to enable the voters favoring the proposition to vote "yes" and those opposed to vote "no."

NEW SECTION. Sec. 4. This act takes effect January 1, 2005, if the proposed amendment to Article VII, section 2 of the state Constitution authorizing multiyear excess property tax levies for metropolitan park districts and cemetery districts is validly submitted to and approved by the voters at the next general election. If the proposed amendment is not approved, this act is void in its entirety."

On page 1, line 2 of the title, after "districts" strike the remainder of the title and insert "and metropolitan park districts; amending RCW 68.52.310, 84.52.054, and 84.52.130; and providing a contingent effective date."

Representatives McIntire and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5232, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5232, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Anderson, Kirby, Rodne and Ruderman - 4.

Excused: Representatives Edwards, Hinkle and Schual-Berke - 3.

ENGROSSED SENATE BILL NO. 5232, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE JOINT RESOLUTION NO. 8208 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the rules were suspended and SENATE JOINT RESOLUTION NO. 8208 was returned to second reading for purpose of amendment.

SECOND READING

SENATE JOINT RESOLUTION NO. 8208, By Senator Morton

Amending the Constitution to allow multiyear excess property tax levies for cemetery districts.

Representative McIntire moved the adoption of amendment (1211):

On page 2, line 20, after "districts" insert ", metropolitan park districts"

On page 2, line 23, after "fire facilities" insert ", metropolitan park facilities"

Representatives McIntire and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the joint resolution, as amended by the House, was placed on final passage.

Representative McIntire spoke in favor of passage of the joint resolution.

The Speaker stated the question before the House to be the final passage of Senate Joint Resolution No. 8208, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8208, as amended by the House, and the joint resolution passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Romero, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Anderson, Kirby, Rodne, and Ruderman - 4.

Excused: Representatives Edwards, Hinkle, and Schual-Berke - 3.

SENATE JOINT RESOLUTION NO. 8208, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693,
HOUSE BILL NO. 2934,

There being no objection, House Rule 13c was suspended.

MESSAGE FROM THE SENATE

March 10, 2004

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6676 and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the House receded from its amendments and proceeded to final passage of SUBSTITUTE SENATE BILL NO. 6676 without the House's amendments.

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6676.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6676, and the bill passed the House by the following vote: Yeas - 55, Nays - 40, Absent - 0, Excused - 3.

Voting yea: Representatives Blake, Buck, Chase, Clements, Clibborn, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rockefeller, Romero, Ruderman, Santos, Schoesler, D. Simpson, G. Simpson, Sommers, Sullivan, Tom, Upthegrove, Veloria, Wallace, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Holmquist, Jarrett, Kristiansen, Mastin, McDonald, McMahan, McMorris, Mielke, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Sehlin, Shabro, Skinner, Sump, Talcott and Woods - 40.

Excused: Representatives Edwards, Hinkle and Schual-Berke - 3.

SUBSTITUTE SENATE BILL NO. 6676, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1777, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the voters of the state expressed their support for home-based long-term care services through their approval of Initiative Measure No. 775 in 2001. With passage of the initiative, the state has been directed to increase the quality of state-funded long-term care services provided to elderly and disabled persons in their own homes through recruitment and training of in-home individual providers, referral of qualified individual providers to seniors and persons with disabilities seeking a provider, and stabilization of the individual provider work force. The legislature further finds that the quality of care our elders and people with disabilities receive is highly dependent upon the quality and stability of the individual provider work force, and that the demand for the services of these providers will increase as our population ages.

(2) The legislature intends to stabilize the state-funded individual provider work force by providing funding to implement the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of individual providers. The agreement reflects the value and importance of

the work done by individual providers to support the needs of elders and people with disabilities in Washington state.

NEW SECTION. Sec. 2. The sum of one hundred forty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, and the sum of one hundred forty-five thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--federal for the biennium ending June 30, 2005, to the children and family services program of the department of social and health services. The appropriations in this section shall be used solely to implement the compensation-related provisions of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of the individual providers of home care services. The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec. 3. The sum of eight million ninety-six thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, and the sum of seven million five hundred thirty-one thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--federal for the biennium ending June 30, 2005, to the developmental disabilities program of the department of social and health services. The appropriations in this section shall be used solely to implement the compensation-related provisions of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of the individual providers of home care services. The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec. 4. The sum of fourteen million two hundred seventy-nine thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, and the sum of fourteen million one hundred seventy-one thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--federal for the biennium ending June 30, 2005, to the aging and adult services program of the department of social and health services. The appropriations in this section shall be used solely to implement the compensation-related provisions of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of the individual providers of home care services. The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec. 5. The sum of ninety-four thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2004, and the sum of one million two hundred seventy-six thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, to the home care quality authority. The appropriations in this section shall be used solely for administrative and employer relations costs associated with implementing the terms of the collective bargaining agreement between the home care quality authority and the exclusive bargaining representative of the individual providers of home care services. The home care quality authority shall transfer funds from this appropriation to the department of social and health services and to the office of financial management as necessary to achieve the terms of the agreement. The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec. 6. The sum of thirteen thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2004, and the sum of fifty-two thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund--state for the fiscal year ending June 30, 2005, to the office of financial management. The appropriations in this section shall be used solely for administrative and employer relations costs associated with implementing Substitute House Bill No. 2933 (home care worker collective bargaining). The appropriations in this section shall be reduced by any amounts appropriated by the 2004 legislature for this purpose in separate legislation enacted prior to June 30, 2004.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "providers;" strike the remainder of the title and insert "creating a new section; making appropriations; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1777 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morrell and Sehlin spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1777, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1777, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Schual-Berke - 3.

ENGROSSED HOUSE BILL NO. 1777, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that sex offenses against children are among the most heinous of crimes and that the legislature has a paramount duty to protect children from victimization by sex offenders. Sentencing policy in Washington state should ensure that punishment of sex offenders is pursued to the extent that such punishment does not jeopardize the safety of children or hinder the successful prosecution of sex offenses against children.

The legislature finds that offenders with the most serious sex offenses against children including, but not limited to, rape in the first and second degree, rape of a child in the first and second degree, child molestation in the first degree, indecent liberties with forcible compulsion, and kidnapping in the first or second degree with a sexual motivation should be subject to life sentences. The legislature finds that since September of 2001, these and other most serious sex offenses have been subject to life sentences under a determinate-plus sentencing structure. Those offenders who are more likely than not to reoffend are kept in prison and those who present a low risk to reoffend are released under supervision for the remainder of their life and may be reincarcerated for serious violations that do not constitute a new sex offense. The legislature further finds that persons subject to determinate-plus sentencing who receive a special sex offender sentencing alternative sentence that is subsequently revoked are subject to life sentences as if they had not received a sentencing alternative. The legislature also finds that these offenders' failure in treatment is likely to make it harder for them to receive a release from prison to lifetime community custody. The legislature intends to reiterate its commitment to life

sentences for these offenders by reenacting the law on seriousness levels of offenses and determinate-plus sentencing that sets the minimum sentence levels for these offenders.

(2) The legislature also finds that the special sex offender sentencing alternative was enacted in 1984 to protect victims of sexual assault. A 1991 evaluation of the effectiveness of the sentencing alternative concluded that it accurately selected sex offenders who, with supervision and treatment, reoffend at lower rates and that the use of the sentencing alternative does not increase risk to the community. Today, strong support for the special sex offender sentencing alternative continues among advocates for children who are victims of sexual assault and prosecutors who prosecute sex offenses against children.

(3) The legislature further finds that several weaknesses in the structure and administration of the special sex offender sentencing alternative have been identified and should be addressed. In addition, a comprehensive analysis and evaluation of the special sex offender sentencing alternative is needed to ensure that efforts to reform the sentencing alternative do not result in jeopardizing the safety of children or hindering the successful prosecution of sex offenses against children.

(4) The legislature intends to protect children from victimization by sex offenders by taking immediate action to make changes in the special sex offender sentencing alternative to address perceived weaknesses in the program, and thoroughly evaluating its effectiveness to determine whether additional changes are needed to further increase the protection of children from victimization by sex offenders.

Sec. 2. RCW 9.94A.515 and 2003 c 335 s 5, 2003 c 283 s 33, 2003 c 267 s 3, 2003 c 250 s 14, 2003 c 119 s 8, 2003 c 53 s 56, and 2003 c 52 s 4 are each reenacted to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)
XVI

Homicide by abuse (RCW 9A.32.055)
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)
XIV

Trafficking 1 (RCW 9A.40.100(1))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Trafficking 2 (RCW 9A.40.100(2))

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300,

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

Arson 2 (RCW 9A.48.030)
IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW

Unlawful transaction of health coverage as a health care service contractor (RCW

Unlawful transaction of health coverage as a health maintenance organization (RCW

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(3))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug,

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW

Theft of Livestock 2 (RCW 9A.56.083)

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty

Transaction of insurance business beyond the scope of licensure (RCW

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 9.94A.712 and 2001 2nd sp.s. c 12 s 303 are each reenacted to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); committed on or after September 1, 2001; or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030(32)(b), and is convicted of any sex offense which was committed after September 1, 2001.

For purposes of this subsection (1)(b), failure to register is not a sex offense.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term consisting of the statutory maximum sentence for the offense and a minimum term either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

Sec. 4. RCW 9.94A.670 and 2002 c 175 s 11 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider as defined in RCW 18.155.020.

(b) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

(c) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state; ~~(and)~~

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

(d) The offense did not result in substantial bodily harm to the victim;

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; and

(f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall order the offender to serve a term of confinement of up to twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in RCW 9.94A.535(2). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

(b) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

~~((b))~~ (c) The court shall order treatment for any period up to ~~((three))~~ five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(d) As conditions of the suspended sentence, the court shall impose specific prohibitions and affirmative conditions relating to the known precursor activities or behaviors identified in the proposed treatment plan under subsection (3)(b)(v) of this section or identified in an annual review under subsection (7)(b) of this section.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

- ~~((a))~~ ~~(Up to six months of confinement, not to exceed the sentence range of confinement for that offense;~~
~~((b))~~ Crime-related prohibitions;
~~((c))~~ (b) Require the offender to devote time to a specific employment or occupation;
~~((d))~~ (c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
~~((e))~~ (d) Require the offender to report as directed to the court and a community corrections officer;
~~((f))~~ (e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;
~~((g))~~ (f) Require the offender to perform community restitution work; or
~~((h))~~ (g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody including, but not limited to, crime-related prohibitions and affirmative conditions relating to activities and behaviors identified as part of, or relating to precursor activities and behaviors in, the offender's offense cycle or revoke the suspended sentence.

(8) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. ~~((Either party may request, and the court may order, another evaluation~~

~~regarding the advisability of termination from treatment. The offender shall pay the cost of any additional evaluation ordered unless the court finds the offender to be indigent in which case the state shall pay the cost.)~~
The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (4) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

(9)(a) If a violation of conditions other than a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(b) If a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection (10) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment.

Sec. 5. RCW 9.92.151 and 1990 c 3 s 201 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(2) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section.

Sec. 6. RCW 9.94A.728 and 2003 c 379 s 1 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any

program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); and

(C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

(e) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec. 7. (1) The Washington state institute for public policy shall conduct a comprehensive analysis and evaluation of the impact and effectiveness of current sex offender sentencing policies. The institute shall analyze and evaluate the effectiveness of sex offender policies and programs, including the special sex offender sentencing alternative, the department of corrections' treatment program for offenders in prison, and the validity of the risk assessment conducted by the end of sentence review committee prior to release from prison. Using detailed information from offender files and court records, and research conducted in Washington state and other states and nations, the analysis shall examine whether changes to sentencing policies and sex offender programming can increase public safety.

(2) Using the research results and other available data, the analysis of the special sex offender sentencing alternative shall specifically evaluate the impact of the sentencing alternative on protection of children from sexual victimization, reporting of sex offenses against children, prosecution of sex offenses against children, and child sex offense recidivism rates.

(3) As part of its study, the institute shall also investigate the views of victims whose cases resulted in a special sex offender sentencing alternative sentence. This study shall include victims whose cases have been prosecuted recently, as well as those whose cases were prosecuted in the past. The victims shall be asked whether they considered the special sex offender sentencing alternative sentence to be a just and appropriate sanction, whether it influenced their healing process, and, if so, whether the influence was negative or positive.

(4) The sentencing guidelines commission shall review the following issues to determine whether modifications in the special sex offender sentencing alternative will increase its effectiveness with respect to protecting children from sexual victimization, successfully prosecuting sex offenses against children, and appropriately punishing perpetrators of sex offenses against children:

(a) Eligibility for the sentencing alternative, including whether the commission of certain types of offenses should render an offender ineligible, whether the disclosure of multiple victims in the course of evaluating an offender should render an offender ineligible, and whether the sentencing alternative should be limited to offenses within families;

(b) Minimum terms of incarceration, including imprisonment at a state facility;

(c) Appropriate conditions or restrictions that should be placed on offenders who receive a sentence alternative; and

(d) Standards for revocation of a sentencing alternative suspended sentence.

(5) The institute and the sentencing guidelines commission shall report their results and recommendations to the appropriate standing committees of the legislature no later than December 31, 2004.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. Sections 2 through 6 of this act take effect July 1, 2005."

On page 1, line 2 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 9.94A.670, 9.92.151, and 9.94A.728; reenacting RCW 9.94A.515 and 9.94A.712; creating new sections; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives O'Brien and McMahan spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2400, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2400, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlín, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Schual-Berke - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted making changes to existing appropriations and making new appropriations which, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital purposes for the biennium ending June 30, 2005, out of the several funds specified in this act.

**PART 1
ADJUSTMENTS/CORRECTIONS TO 2003-2005 CAPITAL BUDGET**

Sec. 101. 2003 1st sp.s. c 26 s 101 (uncodified) is amended to read as follows:
FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE
Capital Budget Studies (04-1-950)

(1) The ~~((appropriations))~~ appropriation in this section ~~((are))~~ is provided solely for capital studies, projects, and tasks pursuant to sections 923 and 924 of this act.

(2) The reappropriation in this section is from 2001 2nd sp.s. c 8 s 149 for the office of financial management.

Reappropriation:

State Building Construction Account--State \$164,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$664,000

Sec. 102. 2003 1st sp.s. c 26 s 104 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000

~~((Rural Washington Loan Account--Federal \$4,739,295~~

~~Subtotal Reappropriation \$5,297,295))~~

Appropriation:

Rural Washington Loan Account--State \$4,542,969

Prior Biennia (Expenditures) ~~(((\$2,353,072))~~

\$2,549,398

Future Biennia (Projected Costs) \$0

TOTAL \$7,650,367

Sec. 103. 2003 1st sp.s. c 26 s 105 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Rural Washington Loan Fund (RWLF) (04-4-009)

Appropriation:

General Fund--Federal \$1,900,000
 Rural Washington Loan Account--(~~Federal~~) State \$1,581,000
 Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$24,132,000
 TOTAL \$27,613,000

Sec. 104. 2003 1st sp.s. c 26 s 107 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Building for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Artspace (Tashiro Kaplan)	Seattle	\$300,000
Broadway center	Tacoma	\$400,000
Children's museum	Everett	\$200,000
Columbia city gallery	Seattle	\$110,000
Cornish College	Seattle	\$700,000
Friends of Gladish	Pullman	\$37,000
Historic cooper school	Seattle	\$32,000
Lincoln theatre	Mt. Vernon	\$110,000
Olympic theatre arts	Sequim	\$265,000
Orcas sculpture park	Eastsound	\$15,000
Pacific Northwest ballet	Bellevue	\$268,000
Pratt fine arts center	Seattle	\$700,000
Richland players theatre	Richland	\$51,000
S' Klallam longhouse	Kingston	\$200,000
Seattle art museum	Seattle	\$700,000
Squaxin Island museum	Shelton	\$100,000
Vashon allied arts	Vashon	\$80,000
Velocity dance center	Seattle	\$35,000

Western Washington center for the arts	Port Orchard	\$165,000
((World kite museum	Long Beach	(\$32,000))
TOTAL		(\$4,500,000)) <u>\$4,468,000</u>

Appropriation:

State Building Construction Account--State (\$4,500,000)	\$4,468,000
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$16,000,000	
TOTAL (\$20,500,000)	<u>\$20,468,000</u>

Sec. 105. 2003 1st sp.s. c 26 s 110 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: ~~((The))~~ A maximum of twenty-five percent of the appropriation in this section ((is provided solely for loans to local governments)) may be used for grants.

Appropriation:

Public Facility Construction Loan Revolving Account--State \$11,491,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$36,718,769	
TOTAL \$48,209,769	

NEW SECTION. **Sec. 106.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water Assistance Program (00-2-007)

The reappropriation in this section is subject to the following conditions and limitations: Funding from the state public works trust fund shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

Reappropriation:

Drinking Water Assistance Account--State \$3,983,356	
Prior Biennia (Expenditures) \$3,716,644	
Future Biennia (Projected Costs) \$0	
TOTAL \$7,700,000	

Sec. 107. 2003 1st sp.s. c 26 s 161 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
GENERAL ADMINISTRATION
Heritage Park (01-H-004)

Reappropriation:

Capitol Building Construction Account--State \$976,000	
Prior Biennia (Expenditures) \$14,559,774	

Future Biennia (Projected Costs) ((\$0))	\$1,600,000
TOTAL ((\$16,035,774))	<u>\$17,135,774</u>

Sec. 108. 2003 1st sp.s. c 26 s 159 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Transportation Building Preservation (~~((98-1-008)))~~ (02-1-008)

Reappropriation:
 Thurston County Capital Facilities Account--State \$1,001,000

Prior Biennia (Expenditures) \$1,964,065
 Future Biennia (Projected Costs) \$19,090,000
 TOTAL \$22,055,065

Sec. 109. 2003 1st sp.s. c 26 s 173 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Legislative Building Security (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall lease metal detectors for the legislative building for a term that expires no later than June 30, 2005. The department shall not renew the lease for metal detectors beyond June 30, 2005, unless specifically authorized to do so by the legislature.

Appropriation:
 Thurston County Capital Facilities Account--State \$1,179,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,179,000

Sec. 110. 2003 1st sp.s. c 26 s 169 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:
 (1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.
 (2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.
 (3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:
 Charitable, Educational, Penal, and Reformatory Institutions Account--State \$140,000
 State Building Construction Account--State (~~(\$6,009,000)~~)

Thurston County Capital Facilities Account--State ((\$3,437,000))	<u>\$6,996,000</u>
<u>Community and Technical College Capital Projects Account--State \$1,513,000</u>	<u>\$937,000</u>

Subtotal Appropriation \$9,586,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$9,586,000

NEW SECTION. Sec. 111. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Legal Offender Unit (98-2-002)

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$15,330,537
Future Biennia (Projected Costs) \$0
TOTAL \$15,580,537

Sec. 112. 2003 1st sp.s. c 26 s 250 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

~~((The appropriations in this section are subject to the following conditions and limitations:~~

~~(1) It is the intent of the legislature to explore the concept of an anaerobic digester to treat dairy waste in Snohomish county, with the Monroe honor farm being one possible site for such a project.~~

~~(2) The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site prior to December 1, 2004.)~~

Reappropriation:

General Fund--Federal \$10,964,679
State Building Construction Account--State \$8,575,906
Subtotal Reappropriation \$19,540,585

Appropriation:

State Building Construction Account--State \$18,674,031

Prior Biennia (Expenditures) \$1,223,416
Future Biennia (Projected Costs) \$0
TOTAL \$39,438,032

Sec. 113. 2003 1st sp.s. c 26 s 234 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH
HEALTH

Drinking Water Assistance Program (04-4-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal ~~(((\$28,122,000))~~

\$46,222,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ~~(((\$28,122,000))~~

\$46,222,000

Sec. 114. 2003 1st sp.s. c 26 s 313 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
ECOLOGY

Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.
- (2) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$2,000,000 of the state building construction account--state appropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.
- (4) ~~(\$1,500,000 of the state building construction state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in stream and out of stream purposes.~~
- ~~(5))~~ \$4,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.
- ~~((6))~~ (5) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.
- (6) \$1,100,000 of the state building construction account--state appropriation is provided solely for the comprehensive irrigation district management program.
- (7) \$150,000 of the water quality account--state appropriation is to contract with a regional salmon enhancement organization for planning activities related to improving water quality in the Hood Canal, particularly research, preservation, and restoration of molluscan ecosystem including bivalves and other important filtering organisms in Hood Canal.
- (8) \$1,000,000 of the water quality account--state appropriation is to assist the city of Enumclaw with wastewater treatment upgrades to address phosphorus loading in the White river.
- (9) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.
- ~~((8))~~ (10) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State ((\$30,452,000))	<u>\$28,952,000</u>
Water Quality Account--State ((\$15,948,000))	<u>\$17,098,000</u>
Subtotal Appropriation ((\$46,400,000))	<u>\$46,050,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$246,400,000))	<u>\$246,050,000</u>

Sec. 115. 2003 1st sp.s. c 26 s 312 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Centennial Clean Water Fund (02-4-007) and (86-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.
- (2) The reappropriation for project number 86-2-007 is \$793,214 for the public works assistance account and \$4,600,505 for the water quality account. The remainder, \$13,702,946 for the water quality account, is for project number 02-4-007.

Reappropriation:

Public Works Assistance Account--State \$793,214

Water Quality Account--State ((\$20,210,510))	<u>\$18,303,451</u>
<u>Subtotal Reappropriation \$19,096,665</u>	
Prior Biennia (Expenditures) ((\$115,983,563))	<u>\$117,890,622</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$136,194,073))	<u>\$136,987,287</u>

Sec. 116. 2003 1st sp.s. c 26 s 317 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
 Padilla Bay Expansion (02-2-006)

Reappropriation:	
General Fund--Federal ((\$1,472,891))	<u>\$1,374,553</u>
State Building Construction Account--State ((\$693,353))	<u>\$651,208</u>
Subtotal Reappropriation ((\$2,166,244))	<u>\$2,025,761</u>
Appropriation:	
General Fund--Federal ((\$2,417,196))	<u>\$2,562,128</u>
State Building Construction Account--State \$568,804	
Subtotal Appropriation ((\$2,986,000))	<u>\$3,130,932</u>
Prior Biennia (Expenditures) ((\$527,756))	<u>\$668,239</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$5,680,000))	<u>\$5,824,932</u>

Sec. 117. 2003 1st sp.s. c 26 s 309 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
 Water Rights Purchase/Lease (04-1-005)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(2) The appropriation in this section is subject to the policies and requirements of chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004.

Appropriation:	
General Fund--Federal \$1,500,000	
State Drought Preparedness--State \$1,500,000	
Subtotal Appropriation \$3,000,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$3,000,000	

NEW SECTION. **Sec. 118.** If chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004, is not enacted by April 15, 2004, section 117 of this act is null and void.

Sec. 119. 2003 1st sp.s. c 26 s 340 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
 STATE PARKS AND RECREATION COMMISSION

Iron Horse Trail (04-2-016)

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.~~

~~(2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross state trails. This study must be submitted to the office of financial management by June 30, 2004.)~~

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the commission's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

~~((State Building Construction Account--State))~~

Parks Renewal and Stewardship Account--State \$262,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$262,500

Sec. 120. 2003 1st sp.s. c 26 s 367 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

(2) \$974,000 of this 2004 amendment is for a fund balance adjustment.

Reappropriation:

General Fund--Federal \$35,263,219

Salmon Recovery Account--State ~~((\$11,076,017))~~

\$8,457,819

Subtotal Reappropriation ~~((\$46,339,236))~~

\$43,721,038

Prior Biennia (Expenditures) ~~((\$53,566,576))~~

\$55,210,774

Future Biennia (Projected Costs) \$0

TOTAL ~~((\$101,569,389))~~

\$98,931,812

Sec. 121. 2003 1st sp.s. c 26 s 369 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (SRFB) (04-4-001)

The appropriations in this section are subject to the following conditions and limitations:

~~((1) \$23,187,500 of the appropriation is provided for grants for restoration projects.~~

~~(2) The remainder of))~~ The appropriation is provided solely for grants for other salmon recovery efforts. These grants shall include a grant to any regional recovery board established in the Revised Code of Washington and may include grants for additional restoration projects.

~~((3) By December 1, 2003, the salmon recovery funding board shall provide a report to the house of representatives capital budget committee and the senate ways and means committee that enumerates board expenditures for salmon recovery projects and activities. The report shall include a list of each project that has been approved for funding by the board, and each project that was submitted on a lead entity habitat project schedule and not funded by the board. Each list shall include the project, project description, project sponsor, status of the project including expenditures to date and completion date, and matching funds that were available for the project. The report shall also include a list and description of all other activities funded by the board including consulting contracts, lead entity and regional recovery board contracts, a description of each of these activities, and the timeline for their completion.))~~

Appropriation:

General Fund--Federal \$34,375,000
State Building Construction Account--State \$12,000,000
Subtotal Appropriation \$46,375,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$46,375,000

Sec. 122. 2003 1st sp.s. c 26 s 354 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington Wildlife and Recreation Program (WWRP) (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-45, as developed on June 4, 2003, and LEAP capital document No. 2004-17, as developed on February 25, 2004. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(2) It is the intent of the legislature that any moneys remaining unexpended shall be reappropriated in the 2005-07 biennium, but no reappropriations shall be made in subsequent biennia.

(3) The department of natural resources shall manage lands acquired through project No. 02-1090, "Bone river and Niawiakum river natural area preserves," as natural resources conservation areas under chapter 79.71 RCW.

(4) Up to \$95,000 of the outdoor recreation account--state and up to \$95,000 of the habitat conservation account--state appropriations are provided to implement chapter ... (Substitute Senate Bill No. 6242), Laws of 2004. If this bill is not enacted by April 15, 2004, this subsection (4) shall lapse.

(5) The committee shall develop or revise project evaluation criteria based on the provisions of chapter ... (Engrossed Substitute House Bill No. 2275 or Second Substitute Senate Bill No. 6082), Laws of 2004, as it prepares its project recommendations for the next budget cycle.

Appropriation:

Outdoor Recreation Account--State \$22,500,000
Habitat Conservation Account--State \$22,500,000
Subtotal Appropriation \$45,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$120,000,000
TOTAL \$165,000,000

Sec. 123. 2003 1st sp.s. c 26 s 394 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
FISH AND WILDLIFE

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State (~~(\$970,000)~~) \$1,285,000

Prior Biennia (Expenditures) (~~(\$2,070,000)~~) \$1,755,000

Future Biennia (Projected Costs) \$0
TOTAL \$3,040,000

Sec. 124. 2003 1st sp.s. c 26 s 398 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the state building construction account--state appropriation is provided solely for Naselle hatchery. A portion of this amount may be used for maintenance and minor projects at fish hatcheries other than Naselle to the extent such use results in corresponding savings in the operating budget that shall be transferred to support of Naselle operations.

(2) \$1,300,000 of the state building construction account--state appropriation is provided solely for the Tokul creek hatchery.

(3) The wildlife account--state appropriation is provided solely for design of capture and acclimation ponds at Grandy creek.

Appropriation:

General Fund--Federal \$4,500,000
General Fund--Private/Local \$1,500,000
Wildlife Account--State \$200,000
State Building Construction Account--State \$7,700,000
Subtotal Appropriation \$13,900,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,900,000

Sec. 125. 2003 1st sp.s. c 26 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
NATURAL RESOURCES

Minor Works (02-2-001) and (00-2-011)

Reappropriation:

Forest Development Account--State \$256,230
Resources Management Cost Account--State \$482,466
State Building Construction Account--State \$455,575
Agricultural College Trust Management Account--State \$68,950
Subtotal Reappropriation \$1,263,221

Prior Biennia (Expenditures) \$6,006,779
Future Biennia (Projected Costs) \$0
TOTAL \$7,270,000

Sec. 126. 2003 1st sp.s. c 26 s 408 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works--Facility Preservation (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Forest Development Account--State \$224,900
Resources Management Cost Account--State \$389,700
State Building Construction Account--State \$150,000
Agricultural College Trust Management Account--State \$49,200
Subtotal Appropriation \$813,800

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$813,800

Sec. 127. 2003 1st sp.s. c 26 s 501 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

WASHINGTON STATE PATROL
Seattle Toxicology Lab ((~~00-2-009~~)) (00-2-008)

Appropriation:
State Building Construction Account--State \$800,000

Prior Biennia (Expenditures) \$12,059,864
Future Biennia (Projected Costs) \$1,655,000
TOTAL \$14,514,864

Sec. 128. 2003 1st sp.s. c 26 s 604 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
STATE BOARD OF EDUCATION
Resource Efficiency Pilot Project (04-4-851)

The appropriation in this section is subject to the following conditions and limitations:
(1) \$1,350,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K-12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards, including up to five percent of the amount in this subsection for costs associated with administering the five pilot projects.
(2) Up to \$150,000 of this appropriation shall be used to:
(a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;
(b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;
(c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;
(d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.
The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:
State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

Sec. 129. 2003 1st sp.s. c 26 s 615 (uncodified) is amended to read as follows:
FOR THE STATE SCHOOL FOR THE BLIND
STATE SCHOOL FOR THE BLIND
Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,700,000 may be used for a predesign and design of a replacement for the Kennedy facility. Before design funds may be released, the office of financial management, after consultation with the legislature, must agree with the findings of the predesign.

Appropriation:
State Building Construction Account--State \$2,279,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,279,000

Sec. 130. 2003 1st sp.s. c 26 s 743 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:

~~((Education Construction Account--State))~~

State Building Construction Account--State \$1,092,690

Appropriation:

State Building Construction Account--State \$17,350,248

Prior Biennia (Expenditures) \$812,310

Future Biennia (Projected Costs) \$0

TOTAL \$19,255,248

NEW SECTION. Sec. 131. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

STATE PARKS AND RECREATION COMMISSION

Leadbetter Acquisition/Restoration (05-1-850)

Reappropriation:

General Fund--Federal \$107,933

Prior Biennia (Expenditures) \$886,067

Future Biennia (Projected Costs) \$0

TOTAL \$994,000

Sec. 132. 2003 1st sp.s. c 26 s 380 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

STATE CONSERVATION COMMISSION

Dairy Nutrient Management Grants Program (02-4-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations may be used for all animal waste management programs.

Reappropriation:

Water Quality Account--State \$350,000

Appropriation:

Water Quality Account--State \$1,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,950,000

Sec. 133. 2003 1st sp.s. c 26 s 738 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Higher Ed Center/Childcare (00-2-678)

The appropriations in this section are subject to the following conditions and limitations: Up to \$550,000 may be used to develop additional parking needed to support this project.

Reappropriation:

State Building Construction Account--State \$985,949

Appropriation:

Gardner-Evans Higher Education Construction Account--State ~~((14,654,000))~~

\$12,242,000

Community and Technical College Capital Projects Account--State ~~((3,898,000))~~

\$6,860,000

Subtotal Appropriation ~~((18,552,000))~~

\$19,102,000

Prior Biennia (Expenditures) \$1,359,051

Future Biennia (Projected Costs) \$0

TOTAL ~~((20,897,000))~~

\$21,447,000

Sec. 134. 2003 1st sp.s. c 26 s 805 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (Minor Improvements) (04-2-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community and technical colleges shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Community and Technical College Capital Projects Account--State (~~(\$14,979,217)~~)

\$13,466,217

State Building Construction Account--State \$1,513,000

Subtotal Appropriation \$14,979,217

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$40,000,000

TOTAL \$54,979,217

Sec. 135. 2003 1st sp.s. c 26 s 782 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation and appropriation in this section ((§)) are subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of 2002.

(2) With the following exception, the legislature does not intend to reappropriate amounts not expended by June 30, 2005: CWU/Wenatchee higher education center, also known as Van Tassel center addition or the Wenatchee Valley College portable replacement project, (04-1-201).

Reappropriation:

State Building Construction Account--State \$865,437

Education Construction Account--State \$10,209,178

Subtotal Reappropriation \$11,074,615

Prior Biennia (Expenditures) \$15,525,560

Future Biennia (Projected Costs) \$0

TOTAL \$26,600,175

Sec. 136. 2003 1st sp.s. c 26 s 816 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for information technology space. As presented to the legislature, the space for this program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,976,200

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,976,200

Sec. 137. 2003 1st sp.s. c 26 s 821 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for an extensive renovation of an instructional building and its systems.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,988,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,988,000

PART 2 CAPITAL PROJECTS/PROGRAMS/ENHANCEMENTS

Sec. 201. 2003 1st sp.s. c 26 s 130 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State ((\$8,500,000))	<u>\$12,700,000</u>
State Building Construction Account--State \$4,000,000	
Subtotal Appropriation ((\$12,500,000))	<u>\$16,700,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$32,400,000	
TOTAL ((\$44,900,000))	<u>\$49,100,000</u>

Sec. 202. 2003 1st sp.s. c 26 s 134 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.
- (2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.
- (6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.
- (7) Up to \$1,000,000 of the appropriation is provided solely to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families after the pool is approved by the state risk manager. The department shall develop a plan to create this self-insurance risk pool for submission to the office of the risk manager no later than December 1, 2004. The department shall establish an advisory committee of interested stakeholders to assist the department in developing the plan required under this subsection. The plan shall provide that the self-insurance risk pool shall repay to the state the appropriation under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager.

Appropriation:

State Taxable Building Construction Account--State ((\$80,000,000))	<u>\$81,000,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$280,000,000))	<u>\$281,000,000</u>

NEW SECTION. Sec. 203. If chapter . . . (Second Substitute House Bill No. 1840), Laws of 2004 is not enacted by April 15, 2004, section 202 of this act is null and void.

Sec. 204. 2003 1st sp.s. c 26 s 151 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.
- (2) The appropriation is provided for the following list of projects:

Local Community Project List	Location	Amount
Art Crate field	Bethel	\$500,000
Asia Pacific cultural center	Tacoma	\$100,000

Asotin aquatic center	Clarkston	\$500,000
Auburn YMCA	Auburn	\$250,000
<u>Boys and girls clubs of Snohomish county</u>	<u>Lake Stevens</u>	<u>\$350,000</u>
Burke museum	Seattle	\$500,000
Capital arts theater and sculpture garden	Olympia	\$250,000
Capitol theater	Yakima	\$500,000
Chinese reconciliation project	Tacoma	\$300,000
Clark lake park	Kent	\$400,000
Colman school	Seattle	\$300,000
Crossroads community center	Bellevue	\$500,000
Eastside heritage center	Bellevue	\$200,000
Eatonville city projects	Eatonville	\$150,000
Edgewood sewer	Edgewood	\$100,000
Edmonds center for the arts	Edmonds	\$500,000
<u>El Centro de la Raza</u>	<u>Seattle</u>	<u>\$117,000</u>
Farmers market and maritime park	Bellingham	\$500,000
Firstenburg community center	Vancouver	\$500,000
Former capitol historical marker	Olympia	\$2,000
<u>Fort Vancouver national historic reserve</u>	<u>Vancouver</u>	<u>\$250,000</u>
Friends of the falls/Great Gorge park	Spokane	\$250,000
Frontier park	Pierce county	\$165,000
GAR cemetery	Seattle	\$5,000
Graham fire district emergency services center	Graham	\$150,000
Grandmother's hill	Tukwila	\$300,000
Highline historical society	Highline	\$300,000

Historical cabins project	Federal Way	\$106,000
Hugs foundation	Raymond	\$21,500
<u>Northwest kidney centers</u>	<u>Bellevue</u>	<u>\$300,000</u>
Museum of flight - WWI and WWII	Seattle	\$500,000
Naval museum	Bremerton	\$500,000
New Phoebe house	Tacoma	\$25,000
Northwest orthopaedic institute	Tacoma	\$200,000
Paramount theater	Seattle	\$250,000
Rainier historical museum/Community center	Rainier	\$20,000
Ritzville public development authority	Ritzville	\$50,000
Seahurst ELC	Burien	\$100,000
South Hill community park	Pierce county	\$250,000
<u>South Lake Union park</u>	<u>Seattle</u>	<u>\$100,000</u>
South Wenatchee family services center	Wenatchee	\$400,000
Stonerose interpretive center	Republic	\$8,000
Sweetwater creek restoration	Hood Canal	\$500,000
Tacoma seawall	Tacoma	\$250,000
Thyme patch park	Seattle	\$5,000
ToscoSports complex	Ferndale	\$500,000
Ustalady beach acquisition	Island county	\$135,000
Veterans memorial museum	Chehalis	\$255,000
West Hylebos state park	Federal Way	\$250,000
White Center apprenticeship	White Center	\$250,000
Woodway wildlife reserve	Woodway	\$300,000
Youth development center	Federal Way	\$100,000

((~~\$12,197,500~~))
\$13,314,500

TOTAL

Appropriation:

State Building Construction Account--State ((~~\$12,197,500~~))

\$13,314,500

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$12,197,500~~))

\$13,314,500

Sec. 205. 2003 1st sp.s. c 26 s 135 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Lewis and Clark Confluence Project (04-2-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State ((~~\$3,000,000~~))

\$5,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$3,000,000~~))

\$5,000,000

NEW SECTION. **Sec. 206.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Port of Walla Walla Land Acquisition (04-4-961)

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. **Sec. 207.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
OFFICE OF FINANCIAL MANAGEMENT
Capital Budget and Facilities Management Enhancement (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to implement the recommendations of the higher education facilities preservation study and other related budget and financial management system improvements. These improvements should also be applicable to nonhigher education institutions.

Appropriation:

Education Construction Account--State \$150,000
Charitable, Educational, Reformatory, and Penal Institutions Account--State \$15,000
Subtotal Appropriation \$165,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$165,000

NEW SECTION. Sec. 208. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
GENERAL ADMINISTRATION

Cherberg Building: Rehabilitation (02-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the purpose of furthering the John A. Cherberg building rehabilitation project, including but not limited to the following: Project final design and initial phase of reconstruction; purchase and remodel of the two modular buildings currently owned by the Legislative building rehabilitation project; and remodel of a portion of the Joel M. Pritchard building for use as swing space during reconstruction.

Appropriation:

State Building Construction Account--State \$5,000,000

Prior Biennia (Expenditures) \$695,000
Future Biennia (Projected Costs) \$15,429,000
TOTAL \$21,124,000

Sec. 209. 2003 1st sp.s. c 26 s 162 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction Account--State \$68,450,000
State Building Construction Account--State \$6,000,000
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State (~~(\$2,300,000)~~)

\$4,800,000

Prior Biennia (Expenditures) \$26,031,000
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$102,781,000)~~)

\$105,281,000

NEW SECTION. Sec. 210. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Technology Infrastructure (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the joint legislative system committee's costs of equipping the legislative building for technology infrastructure, including computer wiring closets, audio and video communications, and wireless computer capabilities.

Appropriation:

State Building Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,400,000

NEW SECTION. **Sec. 211.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING CENTER
CRIMINAL JUSTICE TRAINING CENTER
Minor Works - Facility Preservation (05-1-850)

Appropriation:

State Building Construction Account--State \$50,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

Sec. 212. 2003 1st sp.s. c 26 s 267 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:

State Building Construction Account--State (~~(\$4,000,000)~~)

\$3,750,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$4,000,000)~~)

3,750,000

NEW SECTION. **Sec. 213.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Sewer Connection Fee (05-2-002)

Appropriation:

State Building Construction Account--State \$140,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$140,000

Sec. 214. 2003 1st sp.s. c 26 s 273 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS

Master Planning (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for the department to contract for master planning services.
- (2) The department shall incorporate the integration of operating and capital in the scope of work and master planning effort to include a minimum six-year planning horizon.
- (3) The master plan shall include an analysis of forecasted offender population growth, gender, custody level, population and medical needs, infrastructure needs, and a system-wide view of facility needs. Alternatives should be generated that include the management of excess capacity, such as rental beds, regional jails, and other options to add capacity to the existing system at the same or a lower cost than new construction of prison beds and eventual operating costs. These alternatives shall include an exploration of using other state facilities that are currently being reviewed as part of a master planning process.
- (4) The plan shall consider strategies to integrate capital and operating planning and improve efficiencies in both areas.
- ~~((6))~~ (5) The department shall not deduct any portion of this amount for administrative costs related to new staffing.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 215. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS
Statewide: Water System Plans (05-1-003)

Appropriation:
State Building Construction Account--State \$110,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$110,000

Sec. 216. 2003 1st sp.s. c 26 s 304 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
ECOLOGY

Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,000,000 of the appropriation is provided solely for a grant to the port of Ridgefield to continue clean-up actions on port-owned property.

(2) \$1,800,000, or as much thereof as may be necessary, of the appropriation is provided solely for a grant to Klickitat county for removal and disposal or recycling of vehicle tires. The grant shall include conditions that require Klickitat county to contract for the vehicle tire removal following a competitive bidding process. No funds from the grant may be expended for any remediation activities other than vehicle tire removal, disposal, and recycling.

Appropriation:
Local Toxics Control Account--State (~~(\$45,000,000)~~)

\$47,050,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$45,000,000)~~)

\$47,050,000

NEW SECTION. Sec. 217. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
Water Conveyance Infrastructure Projects (05-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the state building construction account--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(2) \$300,000 of the state and local improvements revolving account--state appropriation is provided solely for the Bertrand watershed improvement district to address unpermitted water use and environmental compliance and fund early action planning, feasibility studies, and construction of early action projects.

(3) \$1,600,000 of the state building construction account--state appropriation is provided solely for the Middle Fork Nooksack river water diversion system.

(4) First priority from the remaining appropriation, \$1,475,000 from the state and local improvements account--state appropriation, \$350,000 from the state building construction account--state appropriation, and the water quality account--state appropriation, shall be the following projects: Piping in the upper Yakima river; piping for Bull canal; piping for the Lowden number 2 ditch; diversion reconstruction and piping in Beaver creek; conjunctive use of surface and ground water in the Chewuch river; replacing surface diversions with wells and consolidation of diversions in the Entiat river; replacing a check dam with a siphon on Little Naneum creek; consolidate diversions on Simcoe creek; and ground water recharge of reclaimed water on Kitsap peninsula. The purpose of this funding is to develop projects and take other water management actions that benefit streamflows and enhance water supply to resolve conflicts among water needs for municipal water supply, agricultural water

supply, and fish restoration. The streamflow or other public benefits secured from these projects should be commensurate with the investment of state funds.

(5) \$50,000 of the state building construction account--state is provided solely for Ahtanum creek watershed restoration and Pine Hollow reservoir.

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$1,775,000
State Building Construction Account--State \$3,500,000
Water Quality Account--State \$525,000
Subtotal Appropriation \$5,800,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,800,000

NEW SECTION. **Sec. 218.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$525,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$8,705,000
TOTAL \$9,230,000

Sec. 219. 2003 1st sp.s. c 26 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, ((2003)) 2004, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

(3) \$344,000 of the water quality account reappropriation is provided for water leases or projects in the Yakima river basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.

(4) \$85,000 of the state building construction account--state appropriation is for the purchase of pipe to protect fish during the noxious weed control board of Grant county's yellow nutsedge eradication efforts.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$2,650,000
Water Quality Account--State ((~~\$3,117,000~~)) \$2,148,708
Subtotal Reappropriation ((~~\$5,767,000~~)) \$4,798,708

Appropriation:

State Building Construction Account--State \$1,000,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State \$1,500,000
Subtotal Appropriation \$2,500,000

Prior Biennia (Expenditures) \$3,233,000
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$10,000,000)~~)

\$10,531,708

NEW SECTION. Sec. 220. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
Quad City Water Right Mitigation (05-2-852)

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$2,200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,200,000

Sec. 221. 2003 1st sp.s. c 26 s 315 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving Account--State (~~(\$66,663,333)~~)

\$81,054,333

Water Pollution Control Revolving Account--Federal \$44,466,666
Subtotal Appropriation (~~(\$111,129,999)~~)

\$125,520,999

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$462,000,000
TOTAL (~~(\$573,129,999)~~)

\$587,520,999

Sec. 222. 2003 1st sp.s. c 26 s 333 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
STATE PARKS AND RECREATION COMMISSION
Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations:
(1) The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

(2) The state building construction account--state appropriation shall not be allotted until a project request report has been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000
State Building Construction Account--State \$2,000,000
Subtotal Appropriation \$2,200,000

Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$4,200,000)~~)

\$6,200,000

NEW SECTION. Sec. 223. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Unforeseen Needs - Special Federal and Local Projects (04-2-024)

Appropriation:

General Fund--Federal \$250,000
General Fund--Local \$250,000
Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$2,000,000
TOTAL \$2,500,000

Sec. 224. 2003 1st sp.s. c 26 s 356 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms and Archery Range Recreation Program (FARR) (04-4-006)

Appropriation:

Firearms Range Account--State (~~(\$150,000)~~) \$250,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$150,000)~~) \$250,000

Sec. 225. 2003 1st sp.s. c 26 s 366 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$325,000 of the appropriation is provided solely to the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses within state parks.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State (~~(\$6,226,310)~~) \$6,926,310

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$6,226,310)~~) \$6,926,310

NEW SECTION. **Sec. 226.** If chapter . . . (Substitute House Bill No. 2919), Laws of 2004, is not enacted by April 15, 2004, section 225 of this act is null and void.

Sec. 227. 2003 1st sp.s. c 26 s 379 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION
STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

(2) The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:	
State Building Construction Account--State \$1,000,000	
Appropriation:	
State Building Construction Account--State ((\$2,000,000))	<u>\$6,000,000</u>
Prior Biennia (Expenditures) ((\$0))	<u>\$4,500,000</u>
Future Biennia (Projected Costs) ((\$0))	<u>\$8,500,000</u>
TOTAL ((\$4,000,000))	<u>\$20,000,000</u>

NEW SECTION. Sec. 228. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION
 Conservation Reserve Enhancement Program - Loans (05-4-003)

The appropriation in this section is subject to the following conditions and limitations: The conservation assistance revolving account appropriation is provided solely for loans under the conservation reserve enhancement program.

Appropriation:	
Conservation Assistance Revolving Account--State \$500,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$500,000	

Sec. 229. 2003 1st sp.s. c 26 s 399 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 FISH AND WILDLIFE

Internal and External Partnership Improvements (04-1-007)

The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:	
General Fund--Federal ((\$4,000,000))	<u>\$14,800,000</u>
General Fund--Private/Local \$2,000,000	
Game Special Wildlife Account--State \$50,000	
Game Special Wildlife Account--Federal \$400,000	
Game Special Wildlife Account--Private/Local \$50,000	
Subtotal Appropriation ((\$6,500,000))	<u>\$17,300,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$6,500,000))	<u>\$17,300,000</u>

Sec. 230. 2003 1st sp.s. c 26 s 397 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Fish and Wildlife Population and Habitat Protection (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:
 (((+))) \$400,000 of the wildlife account--state appropriation is provided solely for upland wildlife habitat.
 (((-)) \$500,000 of the wildlife account--state appropriation is provided solely to maintain existing mitigation agreements in the Snake river region for upland habitat and additional agreements with landowners.-))

Appropriation:

General Fund--Federal \$2,830,000	
General Fund--Private/Local \$3,500,000	
State Building Construction Account--State \$2,400,000	
Wildlife Account--State ((\$1,700,000))	
	<u>\$1,200,000</u>
Subtotal Appropriation ((\$10,430,000))	
	<u>\$9,930,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$10,430,000))	
	<u>\$9,930,000</u>

Sec. 231. 2003 1st sp.s. c 26 s 389 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$301,000 of the state building construction account appropriation is provided solely for improvements at the Centralia game farm, to include: (1) \$175,000 for a brooder barn to replace numerous houses; (2) \$50,000 to replace flight pens; and (3) \$76,000 to replace the roofs on several buildings.

(2) The state wildlife account appropriation is provided for the department to conduct a study of functions and operations in locations in Thurston county in an effort to identify efficiencies that would allow a reduction in the number of sites occupied. The study shall identify all operations and functions in Thurston county locations outside the natural resources building. Decisions about alternative uses for the warehouse and annex near the port of Olympia shall not be made until a report is presented to the legislature on efficiencies that will reduce the need for facility space outside the natural resources building.

(3) \$100,000 of the state building construction account--state appropriation is provided solely for fishing and hunting access improvements in Snohomish county, preferably the Snohomish county diking district number 6. The department is directed to take all appropriate and necessary steps to rename a portion of Snohomish county diking district number 6 as "William E. O'Neil Jr. wildlife area." The department shall consult with the interagency committee for outdoor recreation to determine the feasibility of universal access for hunting at this site or at other locations in Snohomish county. These funds are to be used solely for fishing and hunting access purposes, including signage, permanent structures, and improvements to existing access features. The department is directed to work with interested parties to accomplish the foregoing objectives, and to provide a report to the legislature by December 31, 2004, regarding these provisions.

Appropriation:

General Fund--Federal \$600,000	
State Building Construction Account--State \$3,875,000	
Wildlife Account--State \$100,000	
Subtotal Appropriation ((\$4,475,000))	
	<u>\$4,575,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$4,475,000))	
	<u>\$4,575,000</u>

Sec. 232. 2003 1st sp.s. c 26 s 390 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish and Wildlife Opportunity Improvements (04-2-006)

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the wildlife account--state appropriation is provided solely for the department of fish and wildlife to identify reforms in environmental permitting programs that implement the alternative mitigation principles embodied in its 2003 wind power guidelines and the work of the transportation permit efficiency and accountability committee. The department shall work cooperatively with the department of ecology to determine how these principles can be applied more broadly to other project types, and how new mitigation opportunities can be applied to implementing instream flow and other habitat programs. The department shall report back to the governor and appropriate committees of the legislature by December 31, 2004.

Appropriation:

Aquatic Lands Enhancement Account--State \$300,000
Warm Water Game Fish Account--State \$550,000
Wildlife Account--State \$1,500,000
Subtotal Appropriation (~~(\$2,050,000)~~)

\$2,350,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$2,050,000)~~)

\$2,350,000

NEW SECTION. Sec. 233. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
DEPARTMENT OF NATURAL RESOURCES
Grazing Study (05-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the department to contract with the joint legislative audit and review committee for an assessment of the benefits and costs associated with grazing leases or related agreements on lands managed by the department of natural resources. This assessment shall include considerations of the following elements:

(a) The total annual dollar revenues the department of natural resources receives from grazing leases;
(b) The total annual dollars the trust beneficiaries receive from the total revenues from such leases;
(c) A review of any other benefits the department of natural resources estimates as accruing from these grazing leases;

(d) An estimate of the costs associated with these grazing leases; and

(e) A review of the department's expenditures for management of grazing lands.

(2) The joint legislative audit and review committee shall also review the legal requirements that apply to the management of these grazing lands and the department's management policies and practices for these lands.

(3) The department of natural resources shall provide the joint legislative audit and review committee with necessary data and information for this assessment on a timely basis. A report of this assessment must be provided to the appropriate legislative fiscal and policy committees by June 30, 2005.

Appropriation:

Resource Management Cost Account--State \$50,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

Sec. 234. 2003 1st sp.s. c 26 s 412 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (04-2-014)

Appropriation:

Community and Technical College Forest Reserve Account--State (~~(\$96,000)~~)

\$365,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$96,000)~~)

\$365,000

Sec. 235. 2003 1st sp.s. c 26 s 426 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner Program (04-2-003)

Appropriation:

State Building Construction Account--State ((\$2,000,000))	<u>\$4,000,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$2,000,000))	<u>\$4,000,000</u>

Sec. 236. 2003 1st sp.s. c 26 s 606 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
 School Construction Assistance Grants (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.
- (2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.
- (3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.
- (4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.
- (5) \$2,500,000 of this appropriation is provided solely for design and construction of additional space at the new market vocational skills center.
- (6) Beginning in their 2005-07 capital budget submittal to the governor, the state board of education, in consultation with the Washington state skills centers, shall develop and submit a prioritized list of capital preservation, equipment with long life-cycles, and space expansion and improvement projects. The list shall be developed based on, but not limited to, the following factors: Projected enrollment growth; local school district participation and financial support; changes in the business and industry needs in the state; and efficiency in program delivery and operations.

Appropriation:

Common School Construction Account--State ((\$399,768,513))	<u>\$402,268,513</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) ((\$1,258,456,614))	
TOTAL ((\$2,258,225,127))	<u>\$1,858,456,614</u>
	<u>\$2,260,725,127</u>

NEW SECTION. **Sec. 237.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION
 STATE BOARD OF EDUCATION
 Apple Award Construction Achievement Grants (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 each are provided to four public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from 2002-03 to 2003-04. The grants shall be used for capital construction purposes as determined by students in the schools. The funds may be used for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State \$100,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	

TOTAL \$100,000

NEW SECTION. Sec. 238. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
UNIVERSITY OF WASHINGTON
UW Bothell/Cascadia CC - SR 522 Off Ramp (02-2-014)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,750,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,860,000

NEW SECTION. Sec. 239. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Infectious Disease Laboratory Facilities (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least four million dollars in matching federal funds for this facility.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

Sec. 240. 2003 1st sp.s. c 26 s 628 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
UW Emergency Power Expansion - Phase II (04-1-024)

~~((Reappropriation:~~

~~University of Washington Building Account--State \$700,000))~~

Appropriation:

State Building Construction Account--State \$3,500,000

University of Washington Building Account--State ~~((2,448,000))~~

\$3,148,000

Subtotal Appropriation ~~((5,948,000))~~

\$6,648,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ~~((7,813,164))~~

\$0

TOTAL ~~((14,161,164))~~

\$6,648,000

Sec. 241. 2003 1st sp.s. c 26 s 633 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
UW Campus Communications Infrastructure (04-1-011)

Appropriation:

State Building Construction Account--State \$5,000,000

Gardner-Evans Higher Education Construction Account--State \$2,000,000

Subtotal Appropriation \$7,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ~~((20,000,000))~~

\$18,000,000

TOTAL \$25,000,000

NEW SECTION. Sec. 242. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Classroom Improvements (05-1-850)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 243. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Guthrie Hall Psychology Facilities Renovation (05-2-851)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least three million dollars in matching federal funds for this facility.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 244. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY
WASHINGTON STATE UNIVERSITY
WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)

The appropriation in this section is subject to the following conditions and limitations: It is the intent of the legislature that the project funded in this section shall constitute the university's highest capital project priority through the 2005-07 biennium.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$31,600,000

Prior Biennia (Expenditures) \$2,250,000
Future Biennia (Projected Costs) \$0
TOTAL \$33,850,000

NEW SECTION. Sec. 245. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Wastewater Reclamation Project: Infrastructure (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: By June 30, 2004, Washington State University and the city of Pullman shall submit a report to the office of financial management and standing capital budget committees of the house of representatives and the senate that: (a) Summarizes the strategy for completion of future phases of this project and identifies all other state, federal, local, and private funding sources including grants and loans; (b) summarizes the phasing and costs for this project and future phases; and (c) identifies water conservation measures to be enacted by Washington State University and the city of Pullman.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$3,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,063,000

TOTAL \$10,463,000

Sec. 246. 2003 1st sp.s. c 26 s 659 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

EASTERN WASHINGTON UNIVERSITY

EWU Senior Hall Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State (~~\$730,000~~)

\$681,116

Appropriation:

~~((State Building Construction Account--State \$6,000,000))~~

Gardner-Evans Higher Education Construction Account--State \$14,120,012

Prior Biennia (Expenditures) (~~(\$581,000)~~)

\$629,884

Future Biennia (Projected Costs) (~~(\$8,480,315)~~)

\$0

TOTAL (~~(\$15,791,315)~~)

\$15,431,012

Sec. 247. 2003 1st sp.s. c 26 s 678 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

CENTRAL WASHINGTON UNIVERSITY

CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

State Building Construction Account--State \$1,438,000

~~((Community and Technical College Capital Projects Account--State))~~

Gardner-Evans Higher Education Construction Account--State (\$2,962,000)

\$4,962,000

Central Washington University Capital Projects Account--State \$3,600,000

Subtotal Appropriation (~~(\$8,000,000)~~)

\$10,000,000

Prior Biennia (Expenditures) \$75,000

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$10,575,000)~~)

\$12,575,000

NEW SECTION. **Sec. 248.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (05-1-850)

Appropriation:

Central Washington University Capital Projects Account--State \$450,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$450,000

NEW SECTION. Sec. 249. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY
Minor Works - Infrastructure (05-1-851)

Appropriation:

Central Washington University Capital Projects Account--State \$713,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$713,500

NEW SECTION. Sec. 250. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY
CWU/Wenatchee Higher Education Center (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is to fund Central Washington University's portion of a shared center and student service addition to Van Tassell center on the Wenatchee Valley Community College campus that replaces the space currently leased by Central Washington University.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

Sec. 251. 2003 1st sp.s. c 26 s 695 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
THE EVERGREEN STATE COLLEGE
Lab II 3rd Floor - Chemistry Labs Remodel (04-2-007)

Appropriation:

The Evergreen State College Capital Projects Account--State (~~(\$3,000,000)~~)

\$1,400,000

Gardner-Evans Higher Education Construction Account--State \$1,600,000

Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 252. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE (SIRTI)
SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE (SIRTI)
Emergency Repairs (05-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to make concrete repairs and to repair or replace affected floor coverings.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$337,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$337,000

NEW SECTION. Sec. 253. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY
WESTERN WASHINGTON UNIVERSITY
Bond Hall Renovation/Asbestos Abatement (04-1-080)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,900,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,900,000

Sec. 254. 2003 1st sp.s. c 26 s 702 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY
Communications Facility (98-2-053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State (~~(\$22,500,000)~~)

\$13,888,908

Appropriation:

Western Washington University Capital Projects Account--State \$3,920,000

Prior Biennia (Expenditures) (~~(\$13,973,400)~~)

\$18,584,492

Future Biennia (Projected Costs) \$0
TOTAL (~~(\$40,393,400)~~)

\$36,393,400

NEW SECTION. Sec. 255. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY
EASTERN WASHINGTON STATE HISTORICAL SOCIETY
Cheney Cowles Museum: Addition and Remodel (98-2-001)

Appropriation:

State Building Construction Account--State \$3,200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,200,000

NEW SECTION. Sec. 256. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Cascadia Community College/University of Washington Bothell Phase 2B Off Ramp (02-2-999)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,750,000

Prior Biennia (Expenditures) \$110,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,860,000

Sec. 257. 2003 1st sp.s. c 26 s 784 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives and design for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

(3) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Community and Technical College Capital Projects Account--State \$82,800

Gardner-Evans Higher Education Construction Account--State \$1,134,000

Subtotal Appropriation \$1,216,800

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) (~~(\$10,752,500)~~)

\$9,618,500

TOTAL \$10,835,300

Sec. 258. 2003 1st sp.s. c 26 s 786 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Appropriation:

State Building Construction Account--State \$2,481,000

Gardner-Evans Higher Education Construction Account--State \$14,357,000

Subtotal Appropriation \$16,838,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) (~~(\$14,357,000)~~)

\$0

TOTAL \$16,838,000

Sec. 259. 2003 1st sp.s. c 26 s 798 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: (~~Renovation~~) Replacement - Monte Cristo Hall (04-1-305)

Appropriation:

State Building Construction Account--State \$7,352,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,352,000

Sec. 260. 2003 1st sp.s. c 26 s 801 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300

Gardner-Evans Higher Education Construction Account--State \$19,471,749

Subtotal Appropriation \$20,735,049

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) (~~(\$16,371,700)~~)

\$0

TOTAL (~~(\$17,635,000)~~)

\$20,735,049

Sec. 261. 2003 1st sp.s. c 26 s 787 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

The appropriations in this section are subject to the following conditions and limitations:
(1) The appropriation is solely for the land acquisition for and design of a multiple use fine arts building.
(2) The state board for community and technical colleges shall submit major project reports to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

Appropriation:

State Building Construction Account--State \$1,827,799
Gardner-Evans Higher Education Construction Account--State \$2,500,000
Subtotal Appropriation \$4,327,799

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,645,515
TOTAL ((\$18,473,314))

\$20,973,314

NEW SECTION. Sec. 262. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Seattle: Training Facility (05-1-854)

The appropriation in this section is subject to the following conditions and limitations:
(1) The appropriation is solely for the design of a single shop and classroom training facility to replace eight wood frame structures.
(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the portables.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$722,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$7,342,480
TOTAL \$8,064,480

NEW SECTION. Sec. 263. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Falls: Business and Social Science Building (05-1-853)

The appropriation in this section is subject to the following conditions and limitations:
(1) The appropriation is solely for the design of a two-story building housing social science and business divisions to replace buildings 3, 4, and 14 which are not cost effective to renovate.
(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the existing buildings.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,800,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$19,781,000
TOTAL \$21,581,000

NEW SECTION. Sec. 264. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Health Sciences Center (05-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to establish the nursing program portion of this project on the Richland campus of Columbia Basin College. The appropriation is contingent upon receipt of nonstate matching funds of \$2,000,000 by June 30, 2004, and submittal and approval of a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$4,000,000

TOTAL \$6,000,000

NEW SECTION. Sec. 265. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a building to house allied health programs, replacing Anderson hall, and consolidating programs and staff from other locations. The appropriation does not include the design, renovation, or demolition of related space to be vacated.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of Anderson hall.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,618,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$25,249,855

TOTAL \$26,867,855

NEW SECTION. Sec. 266. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Employability Colocation Study (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to conduct a study, with input from an advisory committee, on the feasibility and benefits of establishing a one-stop satellite office colocating the employment security department and the department of social and health services on community college campuses. Essential elements of the study include a strategic evaluation of services to be collocated, the appropriate location on campuses, and how to better integrate employment security department and department of social and health services programs with basic skills, workforce, and academic programs of community and technical colleges to provide more opportunities for skill improvements and employability. The advisory committee shall include representation of the state board for community and technical colleges, the employment security department, and the department of social and health services. The study shall be at North Seattle community college. The board shall provide its findings and recommendations to the governor and appropriate committees of the legislature by December 20, 2004.

Appropriation:

Community and Technical College Capital Projects Account--State \$50,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

NEW SECTION. Sec. 267. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT
EMPLOYMENT SECURITY DEPARTMENT
Employment Resource Center (05-2-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is to purchase and install state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the social security act (Reed act).

Appropriation:

Unemployment Compensation Administration Account--Federal \$6,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

PART 3 OTHER ADJUSTMENTS/CLARIFICATIONS

Sec. 301. 2003 1st sp.s. c 26 s 601 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
STATE BOARD OF EDUCATION
Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:
(1) (~~(\$13,500,000)~~) \$27,000,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.
(2) \$67,415,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State ((\$27,000,000))	<u>\$40,500,000</u>
Education Construction Account--State \$67,415,000	
Subtotal Appropriation ((\$94,415,000))	<u>\$107,915,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$94,415,000))	<u>\$107,915,000</u>

Sec. 302. 2003 1st sp.s. c 26 s 603 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
State Bonds for Common School Construction (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit in the common school construction account.

Appropriation:

State Building ((and)) Construction Account--State ((\$118,050,000))	<u>\$107,050,000</u>
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Sec. 303. 2003 1st sp.s. c 26 s 629 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 630 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$20,108,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$20,108,000

Sec. 304. 2003 1st sp.s. c 26 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY
WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 651 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$7,876,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,876,000

Sec. 305. 2003 1st sp.s. c 26 s 672 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
EASTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 673 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,726,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,726,000

Sec. 306. 2003 1st sp.s. c 26 s 685 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 686 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,886,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,886,000

Sec. 307. 2003 1st sp.s. c 26 s 697 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 698 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

The Evergreen State College Capital Projects Account--State \$150,000
Education Construction Account--State \$584,000
Subtotal Appropriation \$734,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$734,000

Sec. 308. 2003 1st sp.s. c 26 s 708 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 709 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$2,814,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,814,000

Sec. 309. 2003 1st sp.s. c 26 s 799 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 800 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$17,754,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,754,000

PART 4 MISCELLANEOUS

NEW SECTION. Sec. 901. A new section is added to chapter 89.08 RCW to read as follows:

(1) The conservation assistance revolving account is created in the custody of the state treasurer. The account shall be administered by the conservation commission. Moneys from the account may only be spent after appropriation. Moneys placed in the account shall include principal and interest from the repayment of any loans granted under this section, and any other moneys appropriated to the account by the legislature. Expenditures from the account may be used to make loans to landowners for projects enrolled in the conservation reserve enhancement program.

(2) In order to aid the financing of conservation reserve enhancement program projects, the conservation commission, through the conservation districts, may make interest-free loans to conservation reserve enhancement program enrollees from the conservation assistance revolving account. The conservation commission may require such terms and conditions as it deems necessary to carry out the purposes of this section. Loans to landowners shall be for costs associated with the installation of conservation improvements eligible for and secured by federal farm service agency practice incentive payment reimbursement. Loans under this program promote critical habitat protection and restoration by bridging the financing gap between project implementation and federal funding. The conservation commission shall give loan preferences to those projects expected to generate the greatest environmental benefits and that occur in basins with critical or depressed salmonid stocks. Money received from landowners in loan repayments made under this section shall be paid into the conservation assistance revolving account for uses consistent with this section.

Sec. 902. 2003 1st sp.s. c 26 s 902 (uncodified) is amended to read as follows:

(1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

Sec. 903. 2003 1st sp.s. c 26 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management and the office of financial management has formally approved the lists. Proposed revisions to the lists must be filed with and approved by the office of financial management before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects valued between \$25,000 and \$1 million each that are of a similar nature and can generally be completed within two years of the appropriation with the funding provided. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The office of financial management shall forward copies of these project lists and revised lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial

management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) The legislature generally does not intend to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

Sec. 904. 2003 1st sp.s. c 26 s 907 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Enter into, after approval by the office of financial management and the state finance committee and a positive result from the joint legislative audit and review committee leasing model, a long-term lease of up to twenty-five years, or long-term lease with an option to purchase, with the city of Seattle, for up to 250,000 square feet of office space that is being lease developed by the city of Seattle. Agency occupancy costs will not exceed comparable private market rental rates in downtown Seattle. The comparable general office space rate shall be calculated based on lease rates (adjusted for inflation) of the tenants at the time of proposed occupancy as determined by the department of general administration.

(3) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

~~((3))~~ (4) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(5) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

~~((4))~~ (6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$1,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition and development of parking facilities.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.

~~((f))~~ (g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

(k) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(l) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(m) Enter into a financing contract on behalf of Columbia Basin College for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the medical technology and science education addition to the T-Building renovation and establish the Washington institute of science education (WISE).

NEW SECTION. Sec. 905. (1) The department of natural resources shall conduct an inventory on state lands of old growth forest stands as defined by a panel of scientists. The panel of scientists shall include three scientific scholars with well documented expertise in Pacific Northwest forest ecology, one of whom will serve as chair by consensus of the panel, one representative from the department of natural resources, and one representative from the Washington department of fish and wildlife. The panel shall review the best available scientific information and develop a definition for old growth forest stands in Washington state. The inventory shall include maps illustrating the distribution of old growth forest stands on state lands, and tables describing the number of acres of such stands in each county, the department's administrative unit, and forest type. The maps and tables shall identify both structurally uniform and structurally complex stands. The department of natural resources shall make a report of the inventory to the appropriate committees of the legislature.

(2) For the duration of the study, cutting or removal of the trees and stands 160 years or older is subject to the department publishing notification of proposed cutting or removal of old growth timber.

(3) This section expires June 30, 2005.

Sec. 906. RCW 43.82.010 and 1997 c 117 s 1 are each amended to read as follows:

(1) The director of general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a

specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility. For the 2003-05 biennium, any lease entered into after the effective date of this section with a term of ten years or less shall not contain a nonappropriation clause.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for col locating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for col locating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle

cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; and

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(14) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 907. (1)(a) The legislature acknowledges the recommendation of the house of representatives capital budget committee 2002 interim workgroup on higher education facilities regarding encouragement of partnerships that attract federal and private funding for certain types of capital facilities, particularly research facilities and facilities providing unique or targeted skills. One incentive to attracting nonstate funding of facilities might be the state sharing in the ongoing operating and maintenance costs through the operating budget and sharing future capital maintenance costs. The workgroup recommended that a process be developed to enable an institution to request such assistance up-front at the time the facility being funded with nonstate resources is planned, rather than after the facility is built. While the legislature will not commit in a present budget to providing operating and maintenance or capital maintenance funding in the future, the institution is less likely to receive this assistance when the facility is constructed if the assistance was not requested up-front when the facility was being planned. Until a more formal process is identified, the legislature will acknowledge such a request in a budget proviso or in the legislative budget notes. This section does not apply to facilities that traditionally do not receive any state budget support, such as student dining, recreation, and housing facilities.

(b) While the legislature assumes facilities funded using alternative financing contracts approved in the capital budget will not be receiving state budget support, exceptions to this should be requested of the governor and legislature up-front, as provided for in this section for nonstate funded facilities.

(2)(a) The following project, funded primarily by nonstate budget sources, is expected to be included in the institution's operating budget request once the facility is completed: Washington State University's agricultural research facility, constructed using federal funds.

(b) The legislature is not committing to providing funds for operating and maintenance or capital maintenance on the facility described in (a) of this subsection at this time, but will consider that decision when the project nears completion. Considerations will include the appropriate amount of such assistance, particularly given the research nature of the facility and the potential for indirect cost recovery associated with the research grants coming to the institution as a result of the facility.

Sec. 908. 2003 1st sp.s. c 26 s 915 (uncodified) is amended to read as follows:

(1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

(6) This section does not apply to sections 506 through 508, chapter 26, Laws of 2003 1st sp. sess.

Sec. 909. RCW 70.146.030 and 2003 1st sp.s. c 25 s 934 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2003, to June 30, 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights, for water conveyance projects, and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 910. RCW 28B.50.360 and 2002 c 238 s 303 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and, during the 2003-05 biennium, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((During the 2001-2003 fiscal biennium, the legislature may transfer from the account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

NEW SECTION. Sec. 911. During the 2003-05 biennium, the state parks and recreation commission shall study the various options regarding the future of Old Man House state park. These alternatives include retention as a state park, roles of volunteer community groups, transfer to the Suquamish tribe, sale as surplus property, or other alternatives. The commission may, if it deems it appropriate after studying the various options, transfer the park to the Suquamish tribe. Any action shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe restricted to the enforceability of the reversion clause pursuant to RCW 79A.05.170.

NEW SECTION. Sec. 912. A new section is added to chapter 39.33 RCW to read as follows:

(1) During the 2003-05 biennium, notwithstanding any other provision of law, the department of general administration is authorized to sell the property and attendant parking lot located at 1058 Capitol Way, Olympia, for fair market value to a nonprofit organization whose function is to produce television coverage of state government deliberations and other events of statewide significance.

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 913. A new section is added to chapter 79.19 RCW to read as follows:

(1) All transaction costs associated with the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, shall be included in the valuation of the lands exchanged.

(2) Notwithstanding any other provision of law, the department of natural resources is authorized to use moneys derived from the sale of lands acquired by the common school trust through the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, to acquire commercial or industrial properties for the common school trust.

(3) If chapter . . . (House Bill No. 3045), Laws of 2004, is not enacted by April 15, 2004, this section expires April 16, 2004; if it is enacted by April 15, 2004, this section expires June 30, 2005.

NEW SECTION. Sec. 914. A new section is added to chapter 39.32 RCW to read as follows:

(1) The legislature finds that it is in the public interest to encourage development of a BioGas facility at the Monroe honor farm to convert dairy waste, fish processing waste, and other waste products into energy. Such a facility will: Help improve water quality in area streams; help restore salmon habitat; create jobs; generate green energy; improve the economic sustainability of area dairy farms; help stem sprawl; serve as a demonstration project for environmental education; reduce on-going costs associated with maintaining state ownership of this facility; encourage greater cooperation between area tribes and agricultural interests; and be a model for other such efforts in the state.

(2) In consideration of the multiple public benefits set forth in this section and notwithstanding any other provision of law, within one hundred twenty days of the requirements of subsection (4) of this section being completed during the 2003-05 biennium, the secretary of corrections shall transfer the Monroe honor farm to a federally recognized tribe within Snohomish county for construction and operation of a BioGas facility, related agricultural-based businesses, and activities designed to promote salmon restoration and sustainability of area dairy farms. The secretary of corrections shall work with the federally recognized tribe to draft appropriate deed restrictions or conservation easements for the property to ensure that the property is used for the legislative purposes set forth in this section.

(3) The department of corrections shall transfer the property only if the federally recognized tribe has completed a feasibility study for a BioGas facility at the site, only if the tribe has concluded that development of such a facility is feasible, only after the necessary development permits are approved, and only after a public hearing is conducted by the department of general administration. Further, if the property is not used for one or more of the purposes set forth in this section within two years from the date of transfer or if at any time the property is used for activities inconsistent with the legislative purposes set forth in this section, then the ownership of the property shall automatically revert to the state of Washington.

(4) The legislature finds that the value of the public benefits set forth in this section exceeds the fair market value of Monroe honor farm. Accordingly, the secretary of corrections shall transfer the property to a federally recognized tribe within Snohomish county at no cost beyond the consideration set forth in this section. Nothing in this section shall be deemed to affect or modify liability or responsibility for any existing environmental contamination related to the Monroe honor farm.

NEW SECTION. Sec. 915. By October 1, 2004, the department of general administration shall report to the legislature the priority order of the state buildings the department would map subject to implementation of RCW 36.28A.060.

NEW SECTION. Sec. 916. (1) In order to enhance salmon recovery efforts funded in the 2003-05 biennium in eastern Washington, a management board for regional fish recovery is established for Asotin, Columbia, Garfield, Walla Walla, and Whitman counties. The board shall consist of representatives of local and

regional interests, and the board shall invite state agencies and tribal governments with treaty fishing rights to participate as voting members on the board.

(2) The number of members, qualifications, terms, and responsibilities of the board shall be specified in an interlocal agreement under chapter 39.34 RCW or resolution of a local government.

(3) The board shall, at a minimum, have the following powers and duties:

(a) The board is responsible for the development and the adoption of a salmon and steelhead recovery plan.

(b) The habitat sections of the plan must be consistent with local watershed plans developed under chapter 90.82 RCW, the Northwest power and conservation council's subbasin plans, and be based on critical pathway methodology under RCW 77.85.060. The board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of other units of local government.

(c) The harvest and hatchery sections of the plan must be consistent with the policies developed jointly by the comanagers, the department, and treaty Indian tribes.

(d) The hydropower sections of the plan must be consistent with policies developed by the federal agencies that operate or market power from the federal Columbia and Snake river power system.

(e) The board has authority to: Hire and fire staff, including an executive director; enter into contracts; accept grants and other moneys; and disburse funds.

(f) The board shall appoint and consult with a technical advisory committee. The board shall invite at least four representatives from state government and the treaty Indian tribes to participate on the technical advisory committee. The board may appoint additional members to the technical advisory committee.

(4) No action may be brought or maintained against any board member, the board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this chapter.

(5) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, nor as affecting or modifying any existing right of a federally recognized Indian tribe as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any applicable posttrial orders of those courts.

(6) This section expires June 30, 2005.

NEW SECTION. Sec. 917. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 918. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 919. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for sections 117 and 202 of this act, which take effect April 16, 2004.

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.82.010, 70.146.030, and 28B.50.360; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 161, 159, 173, 169, 250, 234, 313, 312, 317, 309, 340, 367, 369, 354, 394, 398, 406, 408, 501, 604, 615, 743, 380, 738, 805, 782, 816, 821, 130, 134, 151, 135, 162, 267, 273, 304, 310, 315, 333, 356, 366, 379, 399, 397, 389, 390, 412, 426, 606, 628, 633, 659, 678, 695, 702, 784, 786, 798, 801, 787, 601, 603, 629, 650, 672, 685, 697, 708, 799, 902, 905, 907, and 915 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 79.19 RCW; adding a new section to chapter 39.32 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

MOTIONS

Representative Dunshee moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 2573, and ask the Senate to recede therefrom.

Representative Alexander moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 2573, and pass the bill as amended by the Senate.

The Speaker stated the question before the House to be the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 2573.

Representative Alexander spoke in favor of adoption of the motion to concur in the Senate amendments.

Representative Dunshee spoke against the adoption of the motion to concur in the Senate amendments.

Division was demanded. The Speaker divided the House. The result was 45 - YEAS; 50 - NAYS.

The motion that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 2573, was not adopted.

By the House's vote, the House refused to concur in the Senate Amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573 and asked the Senate to recede therefrom.

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 6242 and the bill was placed on the second reading calendar.

There being no objection, the Rules Committee was relieved of SECOND SUBSTITUTE SENATE BILL NO. 6082 and the bill was placed on the third reading calendar.

MESSAGE FROM THE SENATE

March 10, 2004

Mr. Speaker:

The President ruled that the House amendment to SUBSTITUTE SENATE BILL NO. 6208 is outside the "scope and object" of the measure and asks the House to recede therefrom.

Milt H. Doumit, Secretary

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 6208 was returned to second reading for purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6208, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama and McCaslin)

Regarding temporary water-sewer connections.

Representative Upthegrove moved the adoption of amendment (1213):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 57.08.005 and 2003 c 394 s 5 are each amended to read as follows:

A district shall have the following powers:

(1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed;

(3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal or treatment and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal or treatment. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal or treatment and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6)(a) To construct, condemn and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and, except as provided in (b) of this subsection, the service rates to be charged.

(b) The rate a district may charge under this section for storm or surface water sewer systems or the portion of the rate allocable to the storm or surface water sewer system of combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly

sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(c) Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(7) To construct, condemn, acquire, and own buildings and other necessary district facilities;

(8) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served;

(9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(10) Subject to subsection (6) of this section, to fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. In lieu of requiring the installation of permanent local facilities not planned for construction by the district, a district may permit connection to the water and/or sewer systems through temporary facilities installed at the property owner's expense, provided the property owner pays a connection charge consistent with the provisions of this chapter and agrees, in the future, to connect to permanent facilities when they are installed; or a district may permit connection to the water and/or sewer systems through temporary facilities and collect from property owners so connecting a proportionate share of the estimated cost of future local facilities needed to serve the property, as determined by the district. The amount collected, including interest at a rate commensurate with the rate of interest applicable to the district at the time of construction of the temporary facilities, shall be held for contribution to the construction of the permanent local facilities by other developers or the district. The amount collected shall be deemed full satisfaction of the proportionate share of the actual cost of construction of the permanent local facilities. If the permanent local facilities are not constructed within fifteen years of the date of payment, the amount collected, including any accrued interest, shall be returned to the property owner, according to the records of the county auditor on the date of return. If the amount collected is returned to the property owner, and permanent local facilities capable of serving the property are constructed thereafter, the property owner at the time of construction of such permanent local facilities shall pay a proportionate share of the cost of such permanent local facilities, in addition to reasonable connection charges and other charges authorized by this section. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of

construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process.

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(11) To contract with individuals, associations and corporations, the state of Washington, and the United States;

(12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;

(13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;

(14) To sue and be sued;

(15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;

(16) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015;

(17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;

(18) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;

(19) To establish street lighting systems under RCW 57.08.060;

(20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and

(21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage."

On page 1, line 1 of the title, after "connections;" strike the remainder of the title and insert "and amending RCW 57.08.005."

Representatives Upthegrove and Schindler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6208, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6208, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee,

Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Edwards, Hinkle and Schual-Berke - 3.

SUBSTITUTE SENATE BILL NO. 6208, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., March 11, 2004, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH DAY, MARCH 10, 2004

JOURNAL OF THE HOUSE

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

FIFTY EIGHTH LEGISLATURE - REGULAR SESSION

SIXTIETH DAY

House Chamber, Olympia, Thursday, March 11, 2004

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Massengale and Jason Juhala. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Lawrence R. Willis, True Vine of Holiness Missionary Baptist Church, Seattle.

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

MESSAGES FROM THE SENATE

March 10, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5732,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6210,
SUBSTITUTE SENATE BILL NO. 6240,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6415,
SUBSTITUTE SENATE BILL NO. 6575,
SECOND SUBSTITUTE SENATE BILL NO. 6599,
SUBSTITUTE SENATE BILL NO. 6601,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2635,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2650,
SUBSTITUTE HOUSE BILL NO. 2657,
SUBSTITUTE HOUSE BILL NO. 2707,
SUBSTITUTE HOUSE BILL NO. 2708,
HOUSE BILL NO. 2727,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 2811,
SUBSTITUTE HOUSE BILL NO. 2878,
HOUSE BILL NO. 3045,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3078,

SUBSTITUTE HOUSE BILL NO. 3081,
SUBSTITUTE HOUSE BILL NO. 3083,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3116,
SUBSTITUTE HOUSE BILL NO. 3141,
HOUSE BILL NO. 3172,
HOUSE JOINT MEMORIAL NO. 4007,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 10, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1995,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,
SUBSTITUTE HOUSE BILL NO. 2300,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2354,
SUBSTITUTE HOUSE BILL NO. 2382,
HOUSE BILL NO. 2387,
SUBSTITUTE HOUSE BILL NO. 2431,
SUBSTITUTE HOUSE BILL NO. 2489,
HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2004-4728, By Representatives Cox and Schoesler

WHEREAS, It is the policy of the legislature to honor excellence in every field of endeavor;
and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team proved their excellence this season by an incredible achievement; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team's heroes showed real heart when they won the Girls State A Basketball Tournament by defeating the Lind-Ritzville Broncos 65-43 in the final championship game and built on the title they won in 2002; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team achieved something no other Girls Team has done in the past - winning the state title after winning the regional championship, a feat that usually went to the team finishing second in the regionals; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team had an overall record of 27-4 for the season and dominated State A play this year; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team members include Ms. Arthur, Becky Burke, Katie Burns, Angie Dennison, Terri Fender, Calista Fowler, Gylling, Mellor, K. Shaw, Largent, Natalie Shaw, Allie Swan, Jenna Vuletich, and Kristin Watts, who together combined their exceptional skills, desires, and enthusiasm to win the championship; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team Member, Natalie Shaw, was named the tournament's most valuable player (MVP) and a member of the State All-Tournament First Team; Team Member, Kristin Watts, was named to the State All-Tournament Second team; and Team members, Natalie Shaw, Kristin Watts, Jenna Vuletich, and Allie Swan were selected as All-League Players for the year; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team Coach, Corey Baerlocher, showed amazing skill and motivation in leading this team to the heights of State A Basketball; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team has been able to beat teams numerous times over the season, having excellent depth, outstanding ability to shoot the ball, being an outstanding transition team, and never giving up but gathering themselves together to do what needs to be done as a team when crunch time comes; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team Members and Coach exemplify the success that is possible when clear goals are established and persistent effort is made toward those goals; and

WHEREAS, The Colfax Bulldogs Girls' Basketball Team Members had a cumulative Team GPA average of 3.3;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Colfax Bulldogs Girls' Basketball Team for their dedication, sacrifice, and hard work in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor the Colfax Bulldogs Girls' Basketball Team Coach for his dedication, sacrifice, and leadership in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor the parents, families, classmates, teachers, and community members of the Colfax Bulldogs Girls' Basketball Team Members and Coach for the important part they played in helping this team excel and achieve their goals; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each of the Coaches and Team Members of the Colfax Bulldogs Girls' Basketball Team, and to the Principal of Colfax High School.

HOUSE RESOLUTION NO. 4728 was adopted.

HOUSE RESOLUTION NO. 2004-4730, By Representatives Pearson and Kristiansen

WHEREAS, It is the practice of the Washington State House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, High school wrestling has long been recognized as a program that molds future leaders through teamwork, discipline, community pride, and the values of a true athlete; and

WHEREAS, In an example of extraordinary accomplishment, the 2004 Sedro-Woolley wrestling team captured their third consecutive Team State Championship with a victory at the Washington Mat Classic; and

WHEREAS, The 2004 Sedro-Woolley wrestling team has through great fortitude and ability won their eighth State Championship, finishing 54 points above the nearest competitor, with 160 points; and

WHEREAS, The 2004 Sedro-Woolley High School Wrestling Championship Team includes members Derek Crouter, Brad Hayes, Zack Olsen, Nathan Decker, Patrick O'Neil, CJ Davis, Jason Davis, Craig Marsh, Devin Knight, Ethan Sandelin, Patrick Janicki, Jory Clark, Jordan Frisbee, Travis Schmelzer, Steven Scott, Michael Lomsdalen, and team captain, Tanner McCoy; and

WHEREAS, The 2004 Sedro-Woolley High School wrestling team was ably led by Head Coach Jay Breckenridge, and Assistant Coaches Jack Hurd and Jerret Gacia;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the 2004 AAA State Wrestling Champions, their coaches, and the community that enabled these wrestlers to succeed; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members and coaches of the Sedro-Woolley High School Wrestling Team, the Superintendent of the Sedro-Woolley School District, the School District Athletic Director, and the Sedro-Woolley High School Principal.

HOUSE RESOLUTION NO. 4730 was adopted.

HOUSE RESOLUTION NO. 2004-4731, By Representatives Sump and McMorris

WHEREAS, It is the policy of the legislature to honor excellence in every field of endeavor; and

WHEREAS, The Republic Tigers Boys' Basketball Team proved their excellence this season by an incredible achievement; and

WHEREAS, The Republic Tigers Boys' Basketball Team's twelve young heroes showed real heart when they won the Boys' State B Basketball Tournament by kicking the Wahkiakum Mules 65-43 in the final championship game; and

WHEREAS, The Republic Tigers Boys' Basketball Team, with an overall record of 28-1 for the season, dominated State B play this year running its winning streak to 26 games and ending the 22-game winning streak of the Mules who had an overall record of 24-3 for the season; and

WHEREAS, The Republic Tigers Boys' Basketball Team has no seniors this year which would probably have made their winning streak even a lot longer and bodes well for next season; and

WHEREAS, The Republic Tigers Boys' Basketball Team members all had an outstanding season and final game, including sophomore star, Zach Gianukakis, who had a game-high 20 points; sophomore point guard, Tyler Orestad, who had 15 points, eight rebounds, four assists, and four steals; 6-foot-6 junior, Kyle Lehn, who was a presence inside with seven points; Gaeb Giddings and freshman reserve, Derek Gianukakis, who combined for 13 points and six blocked shots; junior, Aaron Michel, who had six points, five boards, two assists, and one steal; and fellow teammates, Drake Graham, Adam Hancock, Phin Hodges, Kaban Lehn, John Lewison, and Todd Orestad, who together combined their exceptional skills, desires, and enthusiasm to win the championship; and

WHEREAS, The Republic Tigers Boys' Basketball Team Coach, John Gianukakis, and Assistant Coach, Seth Krohn, showed amazing skill and motivation in leading this young team to the heights of State B Basketball; and

WHEREAS, The Republic Tigers Boys' Basketball Team has been able to beat bigger teams numerous times over the season having excellent depth and outstanding ability to shoot the ball, being an outstanding transition team, and never giving up but gathering themselves together to do what needs to be done as a team when crunch time comes; and

WHEREAS, The Republic Tigers Boys' Basketball Team Members and Coaches exemplify the success that is possible when clear goals are established and persistent effort is made toward those goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the Republic Tigers Boys' Basketball Team for their dedication, sacrifice, and hard work in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington recognize and honor the Republic Tigers Boys' Basketball Team Coaches for their dedication, sacrifice, and leadership in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington recognize and honor the parents, families, classmates, teachers, and community members of the Republic Tigers Boys' Basketball Team Members and Coaches for the important part they played in helping this team excel and achieve their goals; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each of the Coaches and Team Members of the Republic Tigers Boys' Basketball Team, to Nancy Giddings, Principal of Republic High School, and John Glenewinkel, Superintendent of the Republic School District.

HOUSE RESOLUTION NO. 4731 was adopted.

HOUSE RESOLUTION NO. 2004-4732, By Representatives Armstrong, Condotta and Priest

WHEREAS, The Brewster High School boys' basketball team recently won the Washington State 1A boys basketball state championship for the second straight year; and

WHEREAS, The Brewster High School boys' basketball team has won the Caribou Trail League for three straight years; and

WHEREAS, The Brewster High School boys' basketball team has won the North Central District 1A championship for three straight years; and

WHEREAS, The Brewster High School boys' basketball team has won the District 6/7 1A Regional title three straight years; and

WHEREAS, The Brewster community has repeatedly united behind their team and shown tremendous community support;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Brewster High School boys' basketball team for their tremendous accomplishments during the 2003-2004 season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Principal of Brewster High School, the head coach of the Brewster High School boys' basketball team, every player on the Brewster High School boys' basketball team, and the Mayor of the City of Brewster, Washington.

HOUSE RESOLUTION NO. 4732 was adopted.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED HOUSE BILL NO. 1433,
ENGROSSED HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 2321,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2455,
SUBSTITUTE HOUSE BILL NO. 2475,
HOUSE BILL NO. 2476,
HOUSE BILL NO. 2485,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488,
SUBSTITUTE HOUSE BILL NO. 2660,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2988,
SUBSTITUTE HOUSE BILL NO. 3103,
SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5732,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6112,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6210,
SUBSTITUTE SENATE BILL NO. 6240,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6415,
SUBSTITUTE SENATE BILL NO. 6575,
SECOND SUBSTITUTE SENATE BILL NO. 6599,
SUBSTITUTE SENATE BILL NO. 6601,

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474, with the following amendment:

Strike everything after the enacting clause and insert the following:

"GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 2003 c 360 s 102 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation (~~(\$352,000)~~)

\$365,000

NEW SECTION. Sec. 102. A new section is added to 2003 c 360 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--INITIATIVE MEASURE NO. 776 COSTS
 Motor Vehicle Account--State Appropriation \$1,200,000
 Motor Vehicle Account--Local Appropriation \$2,100,000
 TOTAL APPROPRIATION \$3,300,000

The appropriations in this section are subject to the following conditions and limitations: \$1,200,000 of the motor vehicle account--state appropriation and \$2,100,000 of the motor vehicle account--local appropriation are provided solely for the administrative costs associated with issuing refunds resulting from *Pierce County et al. v. State of Washington et al.* (Supreme Court Cause No. 73607-3), upholding the Initiative Measure No. 776. Funds may not be expended unless the King county superior court issues a final order requiring the repayment of fees collected.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2003 c 360 s 202 (uncodified) is amended to read as follows:
FOR THE COUNTY ROAD ADMINISTRATION BOARD
 Rural Arterial Trust Account--State Appropriation \$769,000
 Motor Vehicle Account--State Appropriation (~~(\$1,927,000)~~) \$1,936,000
 County Arterial Preservation Account--State Appropriation \$719,000
 TOTAL APPROPRIATION (~~(\$3,415,000)~~) \$3,424,000

Sec. 202. 2003 c 360 s 203 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION IMPROVEMENT BOARD
 Urban Arterial Trust Account--State Appropriation (~~(\$1,611,000)~~) \$1,613,000
 Transportation Improvement Account--State Appropriation (~~(\$1,620,000)~~) \$1,622,000
 TOTAL APPROPRIATION (~~(\$3,231,000)~~) \$3,235,000

Sec. 203. 2003 c 360 s 204 (uncodified) is amended to read as follows:
FOR THE BOARD OF PILOTAGE COMMISSIONERS
 Pilotage Account--State Appropriation (~~(\$272,000)~~) \$344,000

Sec. 204. 2003 c 360 s 206 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION COMMISSION
 Motor Vehicle Account--State Appropriation (~~(\$807,000)~~) \$814,000

Sec. 205. 2003 c 360 s 207 (uncodified) is amended to read as follows:
FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD
 Motor Vehicle Account--State Appropriation (~~(\$616,000)~~) \$625,000

Sec. 206. 2003 c 360 s 208 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU
 State Patrol Highway Account--State Appropriation (~~(\$171,269,000)~~) \$174,149,000
 State Patrol Highway Account--Federal Appropriation (~~(\$6,167,000)~~) \$6,957,000
 State Patrol Highway Account--Private/Local Appropriation \$175,000
 TOTAL APPROPRIATION (~~(\$177,611,000)~~) \$181,281,000

The appropriations in this section are subject to the following conditions and limitations:
 (1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies are authorized to use state patrol vehicles for the purposes of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The

Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2004, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) \$2,075,000 of the state patrol highway account--state appropriation in this section is provided solely for the addition of thirteen troopers to those permanently assigned to vessel and terminal security. The Washington state patrol shall continue to provide the enhanced services levels established after September 11, 2001.

(3) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account created under section 1501 of this act, no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(4) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31 of each year.

(5) \$1,848,000 of the state patrol highway account--state appropriation is provided solely for additional security personnel and equipment necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard.

(6) \$264,600 of the state patrol highway account--state appropriation in this subsection is provided solely for two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives, as part of their duty to police the public highways, shall work cooperatively with the department of licensing's driver's special investigation unit.

Sec. 207. 2003 c 360 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--State Appropriation ((\$69,993,000))	<u>\$69,799,000</u>
State Patrol Highway Account--Private/Local Appropriation \$1,290,000	
TOTAL APPROPRIATION ((\$71,283,000))	<u>\$71,089,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((4))~~ Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

~~((2) The Washington state patrol shall assign two full time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives shall work cooperatively with the department of licensing's driver's special investigation unit.)~~

Sec. 208. 2003 c 360 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation ((\$7,000))	<u>\$3,000</u>
Motorcycle Safety Education Account--State Appropriation ((\$85,000))	<u>\$97,000</u>
Wildlife Account--State Appropriation ((\$77,000))	<u>\$84,000</u>
Highway Safety Account--Local Appropriation \$6,000	
Highway Safety Account--State Appropriation ((\$8,286,000))	<u>\$8,278,000</u>
Motor Vehicle Account--State Appropriation ((\$4,623,000))	<u>\$4,451,000</u>
DOL Services Account--State Appropriation ((\$107,000))	<u>\$144,000</u>
TOTAL APPROPRIATION ((\$13,185,000))	<u>\$13,063,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$71,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. Funds provided in this subsection may not be expended unless the department of licensing charges a convenience fee of \$1.00 to persons using the internet driver's license or identicaid renewal option to defray the credit card costs associated with offering driver's license and identicaid renewals on-line. If Engrossed Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 209. 2003 c 360 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$2,000	
Motorcycle Safety Education Account--State Appropriation ((\$133,000))	<u>\$144,000</u>
Wildlife Account--State Appropriation ((\$58,000))	<u>\$55,000</u>
Highway Safety Account--State Appropriation ((\$10,489,000))	<u>\$11,684,000</u>
Highway Safety Account--Federal Appropriation \$6,000	
Highway Safety Account--Local Appropriation \$60,000	
Motor Vehicle Account--State Appropriation ((\$6,569,000))	<u>\$6,319,000</u>
DOL Services Account--State Appropriation ((\$670,000))	<u>\$1,220,000</u>
TOTAL APPROPRIATION ((\$17,927,000))	<u>\$19,490,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature detailing the progress made in transitioning off of the Unisys system by December 1, 2003, and each December 1 thereafter.

(2) \$55,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. Funds provided in this subsection may not be expended unless the department of licensing charges a convenience fee of \$1.00 to persons using the internet driver's license or identicaid renewal option to defray the credit card costs associated with offering driver's license and identicaid renewals on-line. If Engrossed Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) \$151,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. If Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 210. 2003 c 360 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$60,000	
License Plate Technology Account--State Appropriation \$2,000,000	
Wildlife Account--State Appropriation \$585,000	
Motor Vehicle Account--Local Appropriation \$1,372,000	
Motor Vehicle Account--State Appropriation ((\$61,509,000))	<u>\$58,661,000</u>
Motor Vehicle Account--Federal Appropriation \$600,000	
DOL Services Account--State Appropriation ((\$3,211,000))	<u>\$3,844,000</u>
TOTAL APPROPRIATION ((\$67,337,000))	<u>\$67,122,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$81,000 of the DOL services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$400,000 of the motor vehicle account--state appropriation is provided solely for additional dealer and manufacturer services enforcement activities to ensure compliance with the laws governing the licensing and regulation of vehicle manufacturers, dealers, wreckers, tow truck operators, hulk haulers, scrap processors, motor vehicle transporters, snowmobile dealers, off-road vehicle dealers, mobile home dealers, travel trailer dealers, vessel dealers, and other miscellaneous dealers operating or doing business in Washington. If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the license plate technology account--state appropriation and \$400,000 of the motor vehicle account--state appropriation are provided solely for the implementation of a digital license plate printing system. Within the amounts provided, the department shall fund the implementation of a digital license plate system including: The purchase of digital license plate printing equipment by correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. The department shall expend all of the license plate technology account--state appropriation before expending any of the motor vehicle account--state appropriation. By December 1, 2004, the department and correctional industries shall submit a joint report to the transportation committees of the legislature detailing a digital license plate printing system implementation plan. By June 30, 2005, the department and correctional industries shall submit a joint report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process.

(6) \$67,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6325. If Substitute Senate Bill No. 6325 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(7) \$192,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6110. If Senate Bill No. 6110 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(8) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6688. If Substitute Senate Bill No. 6688 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) \$35,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2910. If Substitute House Bill No. 2910 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(10) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6148 or House Bill No. 2471. If neither Substitute Senate Bill No. 6148 or House Bill No. 2471 is enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(11) The department shall study the feasibility of requiring that proof of insurance be provided as a condition of vehicle registration renewal. The department shall consult with the office of the insurance commissioner, and representatives from the county auditors, vehicle subagents, the insurance industry, and interested citizens. The department shall report the findings of this study to the transportation committees of the legislature by December of 2004.

Sec. 211. 2003 c 360 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,576,000

Highway Safety Account--State Appropriation (~~(\$84,809,000)~~)

\$86,721,000

Highway Safety Account--Federal Appropriation \$318,000

Highway Safety Account--Local Appropriation \$67,000

TOTAL APPROPRIATION (~~(\$87,703,000)~~)

\$89,682,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) \$305,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. Funds provided in this subsection may not be expended unless the department of licensing charges a convenience fee of \$1.00 to persons using the internet driver's license or identocard renewal option to defray the credit card costs associated with offering driver's license and identocard renewals on-line. If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) \$282,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the

individual applicant's record. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 212. 2003 c 360 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation ((\$58,661,000))	<u>\$57,634,000</u>
Motor Vehicle Account--Federal Appropriation \$5,163,000	
Puget Sound Ferry Operations Account--State Appropriation ((\$6,583,000))	<u>\$7,038,000</u>
Multimodal Transportation Account--State Appropriation \$363,000	
TOTAL APPROPRIATION ((\$70,770,000))	<u>\$70,198,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$715,000 of the motor vehicle account state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application modernization. The legislative transportation committee shall approve the statement of work before the consultant is hired. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan.~~)

The department and the consultant shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication. The department shall provide a report on its proposed application modernization plan to the transportation committees of the legislature by June 30, 2004.) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2004 interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2)(a) (~~(\$2,963,000)~~) \$2,959,000 of the motor vehicle account--state appropriation and \$2,963,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) (~~(\$400,000)~~) \$200,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program. (~~(\$200,000 of this amount must be held in allotment reserve until a smart card report is delivered to the legislative transportation committee indicating that an agreement on which technology will be used throughout the state of Washington for the smart card program has been reached among smart card participants.)~~)

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

Sec. 213. 2003 c 360 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation ((\$31,048,000))	<u>\$31,068,000</u>
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Sec. 214. 2003 c 360 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation ((\$5,107,000))	<u>\$5,355,000</u>
Aeronautics Account--Federal Appropriation ((\$650,000))	<u>\$2,150,000</u>
Aircraft Search and Rescue Safety and Education Account--State Appropriation ((\$282,000))	<u>\$160,000</u>
TOTAL APPROPRIATION ((\$6,039,000))	<u>\$7,665,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$1,381,000)) \$1,129,000 of the aeronautics account--state appropriation is provided solely for additional preservation grants to airports. (((\$122,000 of the aircraft search and rescue safety and education account--state appropriation is provided for additional search and rescue and safety and education activities.)) If Senate Bill No. 6056 is not enacted by June 30, 2003, the amounts provided shall lapse.~~

Sec. 215. 2003 c 360 s 217 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation (((\$49,010,000))	<u>\$49,056,000</u>
Motor Vehicle Account--Federal Appropriation \$400,000	
TOTAL APPROPRIATION (((\$49,410,000))	<u>\$49,456,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in sections 305 and 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee. The committee shall develop a model national environmental policy act (NEPA) tribal consultation process for federal transportation aid projects related to the preservation of cultural, historic, and environmental resources. The process shall ensure that Tribal participation in the NEPA consultation process is conducted pursuant to treaty rights, federal law, and state statutes, consistent with their expectations for protection of such resources.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

Sec. 216. 2003 c 360 s 218 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation (((\$1,011,000))	<u>\$1,411,000</u>
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The appropriation in this section is subject to the following conditions and limitations: \$400,000 of the motor vehicle account--state appropriation is provided solely for a traffic and economic study of the Mount Saint Helens tourist and recreational area. The study shall analyze existing and potential traffic patterns in the area and develop funding strategies sufficient to fund construction of a connection between state route number 504 and forest service road number 99. The study shall also include an analysis of potential partnership funding plans involving the use of tolls in order to determine the potential to pay for ongoing maintenance and operations requirements of visitor centers, roads, and other amenities provided to tourists. The purpose and results of this study shall be made available to citizens, businesses, and community organizations in the affected area. The study shall be completed and submitted to the transportation committees of the legislature by December 31, 2004.

Sec. 217. 2003 c 360 s 219 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation (((\$283,350,000))	<u>\$283,672,000</u>
Motor Vehicle Account--Federal Appropriation \$1,426,000	
Motor Vehicle Account--Private/Local Appropriation \$4,253,000	
TOTAL APPROPRIATION (((\$289,029,000))	<u>\$289,351,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:

- (a) Meeting or exceeding the target for structural bridge repair on a statewide basis;
- (b) Eliminating the number of activities delivered in the "f" level of service at the region level;
- (c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and
- (d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

Sec. 218. 2003 c 360 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation ((\$38,869,000))	<u>\$38,924,000</u>
Motor Vehicle Account--Private/Local Appropriation \$125,000	
TOTAL APPROPRIATION ((\$38,994,000))	<u>\$39,049,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

(4) The appropriation authority under this section includes spending authority to administer the motorist information sign panel program. The department shall establish the fees charged for these services so that all costs to administer this program are recovered; in no event, however, shall the department charge more than:

(a) \$1,000 per business per location on freeways and expressways with average daily trips greater than 80,000;

(b) \$750 per business per location on freeways and expressways with average daily trips less than 80,000; and

(c) \$400 per business per location on conventional highways.

Sec. 219. 2003 c 360 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation ((\$24,852,000))	<u>\$24,888,000</u>
Motor Vehicle Account--Federal Appropriation \$636,000	
Puget Sound Ferry Operations Account--State Appropriation \$1,093,000	
Multimodal Transportation Account--State Appropriation \$973,000	
TOTAL APPROPRIATION ((\$27,554,000))	<u>\$27,590,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$627,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

(2) The department shall transfer at no cost to the Washington state patrol the title to the Walla Walla colocation facility.

Sec. 220. 2003 c 360 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation ((\$30,064,000))	<u>\$30,105,000</u>
Motor Vehicle Account--Federal Appropriation \$14,814,000	
Multimodal Transportation Account--State Appropriation \$1,021,000	
Multimodal Transportation Account--Federal Appropriation \$2,000,000	
TOTAL APPROPRIATION ((\$47,899,000))	<u>\$47,940,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound (including state route 169), Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act, and must include measurement of all modes of transportation.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts. As a condition of receiving this support, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau.

(3) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 208(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 208(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

Sec. 221. 2003 c 360 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation ((\$61,082,000))	<u>\$56,219,000</u>
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The appropriation in this section is subject to the following conditions and limitations:

(1) (~~(\$50,799,000)~~) \$45,280,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES (~~(\$989,000)~~)

	<u>\$848,000</u>
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(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR (~~(\$823,000)~~)

	<u>\$819,000</u>
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(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL (~~(\$2,252,000)~~)

	<u>\$2,786,000</u>
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(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION (~~(\$50,799,000)~~)

	<u>\$45,280,000</u>
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(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION

CAPITAL PROJECTS SURCHARGE \$1,846,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT (~~(\$523,000)~~)

\$538,000

(h) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES \$252,000

Sec. 222. 2003 c 360 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State Appropriation \$46,457,000

Multimodal Transportation Account--Federal Appropriation \$2,574,000

Multimodal Transportation Account--Private/Local Appropriation \$155,000

TOTAL APPROPRIATION \$49,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. \$14,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for transit agencies to transport persons with special transportation needs. Moneys shall be to provide additional service only and may not be used to supplant current funding. Grants shall only be used by nonprofit providers and transit agencies for capital and operating costs directly associated with adding additional service. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.)) \$18,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.~~

(a) \$4,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$14,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(4) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. (~~Only grants that add vanpools are eligible, no~~) No additional employees may be hired for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants will include leveraging funds other than state funds. The commute trip reduction task force shall determine the cost effectiveness of the grants, including vanpool system coordination, regarding the use of the funds.

(5) \$3,000,000 of the multimodal transportation account--state appropriation is provided to the city of Seattle for the Seattle streetcar project on South Lake Union.

Sec. 223. 2003 c 360 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State Appropriation (~~(\$309,580,000)~~)

\$312,011,000

Multimodal Transportation Account--State Appropriation ((~~\$5,120,000~~))

\$4,509,000

TOTAL APPROPRIATION ((~~\$314,700,000~~))

\$316,520,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of ((~~\$34,701,000~~)) \$35,264,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed ((~~\$207,757,000~~)) \$208,125,000, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of ((~~\$495.30~~)) \$482.35 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and ((~~\$567.67~~)) \$482.35 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) ((~~\$4,234,000 of the multimodal transportation account--state appropriation and \$800,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry. The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, with an additional goal of eighty percent, through increased fares, lower operation costs, and other cost saving measures as appropriate. In order to implement the plan, ferry system management is authorized to negotiate changes in work hours (requirements for split shift work), but only with respect to operating passenger-only ferry service, to be included in a collective bargaining agreement in effect during the 2003-05 biennium that differs from provisions regarding work hours in the prior collective bargaining agreement. The department must report to the transportation committees of the legislature by December 1, 2003.~~)) No more than \$500,000 of the Puget Sound ferry operations account--state appropriation and \$1,000,000 of the multimodal transportation account--state appropriation may be spent in fiscal year 2005 on operational costs for the passenger-only ferry service from Vashon to Seattle. It is the intent of the legislature to eliminate passenger-only ferry service after these funds have been expended and to explore and encourage cost-effective alternatives to state run passenger-only ferry service that will address the transportation needs of existing passengers.

(4) \$805,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(5) \$866,000 of the multimodal transportation account--state appropriation and \$200,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Bremerton to Seattle passenger-only ferry service for thirteen weeks.

((~~5~~)) (6) The department shall study the potential for private or public partners, including but not limited to King county, to provide passenger-only ferry service from Vashon to Seattle. The department shall report to the legislative transportation committees by December 31, 2003.

((~~6~~)) (7) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

((~~7~~)) (8) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

((~~8~~)) (9) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long-term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

~~((9))~~ (10) The department must provide a separate accounting of passenger-only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

~~((10))~~ (11) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card). Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

~~((11))~~ (12) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

Sec. 224. 2003 c 360 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State Appropriation (~~(\$35,075,000)~~)

\$34,205,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~(\$30,831,000)~~) \$29,961,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia (B.C.) concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

(5) The department shall undertake an origin and destination study to provide data that may be used for a new passenger train cost sharing agreement with the state of Oregon. The study shall be delivered to the transportation committees of the legislature before July 1, 2004.

Sec. 225. 2003 c 360 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation (~~(\$7,057,000)~~)

\$7,067,000

Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION (~~(\$9,626,000)~~)

\$9,636,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

(3) In addition to other gubernatorial appointees, the state historic preservation officer shall be appointed to any steering committee that makes the final selection of projects funded from the surface transportation program enhancement funds or a similar program anticipated to be authorized in the extension or reauthorization of the transportation equity act for the 21st century (TEA-21).

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2003 c 360 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation (~~(\$2,205,000)~~)

\$2,705,000

The appropriation in this section is subject to the following conditions and limitations: \$625,000 of the state patrol highway account appropriation is provided solely for the patrol's share of the Shelton area water and sewer regional plan. However, this amount is contingent on general fund--state funding of the Washington corrections center's portion of the Shelton area water and sewer regional plan. If general fund--state funding is not provided, the amount provided in this subsection shall lapse.

Sec. 302. 2003 c 360 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	\$99,201,000
Transportation Improvement Account--State Appropriation	\$98,215,000
<u>Freight Mobility Account--Federal Appropriation</u>	<u>\$23,000,000</u>
TOTAL APPROPRIATION ((\$197,416,000))	<u>\$220,416,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

(2) The transportation improvement board shall maintain grant funding currently approved for the SR 3/SR 303 Interchange (Waaga Way).

(3) \$23,570,000 of the transportation improvement account--state appropriation in this section is provided solely for the following freight projects, with the specific funding listed provided solely for the respective project: SR 397 Ainsworth Ave. Grade Crossing, \$6,180,000; Colville Alternate Truck Route, \$2,200,000; Port of Kennewick Road (Exten. of Piert Rd.), \$1,400,000; Duwamish Intelligent Transportation Systems (ITS), \$2,500,000; Bigelow Gulch Road - Urban Boundary to Argonne Rd., \$2,000,000; Pacific Hwy E / Port of Tacoma Rd to Alexander Ave, \$2,290,000; and S. 228th Street Extension and Grade Separation, \$7,000,000.

Sec. 303. 2003 c 360 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State Appropriation ((\$565,300,000))	<u>\$558,465,000</u>
(Transportation 2003 Account (Nickel Account) Federal Appropriation \$950,000	
Transportation 2003 Account (Nickel Account) Local Appropriation \$3,434,000)	
Motor Vehicle Account--State Appropriation ((\$157,374,000))	<u>\$164,524,000</u>
Motor Vehicle Account--Federal Appropriation ((\$192,940,000))	<u>\$194,339,000</u>
Motor Vehicle Account--Local Appropriation ((\$13,258,000))	<u>\$30,158,000</u>
Special Category C Account--State Appropriation	\$50,279,000
Tacoma Narrows Toll Bridge Account Appropriation ((\$613,300,000))	<u>\$603,992,000</u>
TOTAL APPROPRIATION ((\$1,596,835,000))	<u>\$1,601,607,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$157,374,000 of the motor vehicle account state appropriation, \$192,940,000 of the motor vehicle account federal appropriation, \$13,258,000 of the motor vehicle account local appropriation, and \$50,279,000 of the special category C account state appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List Current Law report as transmitted to LEAP on April 27, 2003.)~~ The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law List under the heading "Nickel Funds" as transmitted to LEAP on March 11, 2004. Limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.

(a) Within the amount provided in this subsection, \$11,000,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.

(b) Within the amount provided in this subsection, \$250,000 of the transportation 2003 account (Nickel Account)--state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke

Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven-member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.

(2) \$87,202,487 of the motor vehicle account--state appropriation, \$39,330,766 of the motor vehicle account--federal appropriation, and \$11,288,422 of the motor vehicle account--local appropriation are provided solely to implement the projects as indicated in the Legislative 2003 Transportation Project List - New Law List under the heading "Pre-Existing Revenues" as transmitted to LEAP on March 11, 2004.

(3) The motor vehicle account--state appropriation includes (~~(\$78,000,000)~~) \$93,615,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. The motor vehicle account--state appropriation includes (~~(\$18,038,000)~~) \$17,380,000 in unexpended proceeds from bond sales authorized in RCW 47.10.843 for mobility and economic initiative improvement projects.

(~~(3)~~) (4) \$42,189,749 of the motor vehicle account--state appropriation, \$149,990,632 of the motor vehicle account--federal appropriation, \$17,950,021 of the motor vehicle account--local appropriation, and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the projects included in the Legislative 2003 Transportation Project List - Current Law List under the heading "Improvement Projects" as transmitted to LEAP on March 11, 2004. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(a) Within the amounts provided in this subsection, \$1,700,000 of the motor vehicle account--state appropriation is provided solely for the I-5 Salmon creek noisewall project.

(b) Within amounts provided in this subsection, \$100,000 of the motor vehicle account--state appropriation is provided solely for the department to hire a consultant to complete a cost-benefit analysis comparing the efficiency of having high-occupancy vehicle (HOV) lanes in the right lane versus the left lane. The study shall compare the costs, and the traffic efficiencies of building HOV lanes in the right and left lanes. The study shall be completed and submitted to the transportation committees of the legislature by December 1, 2004.

(c) Within amounts provided in this subsection, \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:

(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:

(A) Ability to carry long-haul freight;

(B) Ability to provide for passenger auto travel;

(C) Freight rail;

(D) Passenger rail;

(E) Public utilities; and

(F) Other ancillary facilities as may be desired to maximize use of the corridor;

(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums;

(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction; and

(iv) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.

(c) Within the amounts provided in this subsection, \$2,480,000 of the motor vehicle account--state appropriation is provided solely for the SR 28 east end of the George Sellar bridge - phase 1 project. Future biennia appropriations for this project are expected to be \$6,510,000.

(d) Within the amounts provided in this subsection, \$400,000 of the motor vehicle account--state appropriation and \$150,000 of the motor vehicle account--local appropriation are provided solely for a route development plan to identify the future transportation improvements that should be pursued for state route 169. The study shall include the following elements:

(i) Documentation of existing conditions;

(ii) Determination of present and future operating conditions;

(iii) Development and testing of various transportation conceptual improvement strategies;

(iv) Preliminary environmental analysis;

(v) Public involvement; and

(vi) Cost estimates for the identified conceptual improvements.

(5) A maximum of \$28,643,607 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for direct project support costs, including, but not limited to, direct project support, property management, scenic byways, and other administration.

(6) A maximum of \$9,238,726 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for environmental retrofit improvement projects not included in the list in subsection (4) of this section.

(7) A maximum of \$2,266,813 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for improvement projects programmed through the transportation commission's priority programming process.

(8) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes ~~(((\$46,300,000))~~ \$36,992,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

~~((4))~~ (9) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.

~~((5) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List--New Law report transmitted to LEAP on April 27, 2003.~~

~~(6))~~ (10) The ~~((motor vehicle account))~~ transportation 2003 account (nickel account)--state appropriation includes ~~(((\$280,000,000))~~ \$275,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((7) \$11,000,000 of the motor vehicle account--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.~~

~~(8) \$250,000 of the transportation 2003 account (Nickel Account)--state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.~~

~~(9)(a) \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:~~

~~(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:~~

~~(A) Ability to carry long-haul freight;~~

~~(B) Ability to provide for passenger auto travel;~~

~~(C) Freight rail;~~

~~(D) Passenger rail;~~

~~(E) Public utilities; and~~

~~(F) Other ancillary facilities as may be desired to maximize use of the corridor;~~

~~(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums; and~~

~~(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction.~~

~~(b) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.~~

~~(10) \$8,000,000 of the motor vehicle account--state appropriation is provided for the SR 522, University of Washington Bothell campus access project. This amount will cover approximately one-half of the construction costs.)~~

(11) The transportation permit efficiency and accountability committee (TPEAC) shall select from the project list under ~~((this))~~ subsection (1) of this section ten projects that have not yet secured state permits. TPEAC shall select projects from both urban and rural areas representing a wide variety of locations within the state. These projects shall be designated "Department of Transportation Permit Drafting Pilot Projects" and shall become a part of the work plan of TPEAC required under section 2(1)(b), chapter 8 (ESB 5279), Laws of 2003.

(12) Of the amounts appropriated in this section and section 306 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((14))~~ (13) To manage some projects more efficiently, federal funds may be transferred from program Z to program I to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(14) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

Sec. 304. 2003 1st sp.s. c 26 s 506 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation 2003 Account (Nickel Account) \$2,000,000	
Motor Vehicle Account--State Appropriation ((\$178,909,000))	\$204,969,000
Motor Vehicle Account--Federal Appropriation ((\$457,467,000))	\$499,067,000
Motor Vehicle Account--Local Appropriation \$12,666,000	
Multimodal Account--State Appropriation \$1,690,000	
((Multimodal Account--Federal Appropriation \$4,247,000))	
Puyallup Tribal Settlement Account--State Appropriation \$10,625,000	
TOTAL APPROPRIATION ((\$656,979,000))	\$731,017,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, \$1,690,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List--Current Law report transmitted to LEAP on April 27, 2003.)~~) The entire 2003 transportation account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law List under the heading "Nickel Funds" as transmitted to LEAP on March 11, 2004. Limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.

(2) \$58,681,145 of the motor vehicle account--state appropriation, \$30,106,512 of the motor vehicle account--federal appropriation, \$7,349,630 of the motor vehicle account--local appropriation, and \$10,625,000 of the Puyallup tribal settlement account--state appropriation are provided solely to implement the projects included in the Legislative 2003 Transportation Project List - Current Law List under the heading "Bridge Improvements" as transmitted to LEAP on March 11, 2004. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(a) Within the amounts provided in this subsection, \$1,000,000 of the motor vehicle account--state appropriation is provided solely for the Purdy creek bridge project. The 2005-07 biennium appropriations for this project are expected to be \$5,074,000.

(b) Within the amounts provided in this subsection, \$10,625,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department is allowed to use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event will the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) A maximum of \$211,585,010 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation and \$1,690,000 of the multimodal account--state appropriation are provided for roadway preservation projects.

(4) A maximum of \$55,336,893 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for bridge repair projects.

(5) A maximum of \$51,562,422 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for other facilities preservation projects.

(6) A maximum of \$38,968,540 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for other preservation projects programmed through the transportation commission's priority programming process.

(7) A maximum of \$56,737,803 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for direct project support costs, including, but not limited to, direct project support, property management, scenic byways, and other administration.

(8) \$81,147,069 of the motor vehicle account--state appropriation and \$173,103,529 of the motor vehicle account--federal appropriation are provided solely for the Hood Canal bridge project.

(9) The motor vehicle account--state appropriation includes ~~(\$2,850,000)~~ \$3,066,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

~~((3))~~ (10) The motor vehicle account--state appropriation includes ~~(\$77,700,000)~~ \$77,822,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((4) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.~~

~~(5))~~ (11) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((6))~~ (12) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((7))~~ (13) To manage some projects more efficiently, federal funds may be transferred from program Z to program P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(14) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

Sec. 305. 2003 c 360 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES
CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account-State Appropriation (\$129,066,000)	<u>\$108,427,000</u>
Puget Sound Capital Construction Account--Federal Appropriation (\$34,400,000)	<u>\$69,881,000</u>
<u>Puget Sound Capital Construction Account--Local Appropriation \$249,000</u>	
Multimodal Transportation Account--State Appropriation (\$13,381,000)	<u>\$11,977,000</u>
Transportation 2003 Account (nickel account) Appropriation \$5,749,000	
TOTAL APPROPRIATION (\$182,596,000)	<u>\$196,283,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel ~~((improvements))~~ preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$11,772,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~(2) (\$129,066,000 of the Puget Sound capital construction account--state appropriation and \$34,400,000 of the Puget Sound capital construction account--federal appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List--Current Law as transmitted to the LEAP on April 27, 2003.~~

~~(3) \$17,521,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List--New Law as transmitted to the LEAP on April 27, 2003.~~

(4)) \$108,427,000 of the Puget Sound capital construction account--state appropriation, \$69,881,000 of the Puget Sound capital construction account--federal appropriation, \$249,000 of the Puget Sound capital construction account--local appropriation, and \$205,000 of the multimodal transportation account--state appropriation are provided for ferry construction projects. The department shall report against the Legislative 2003 Transportation Project List - Current Law transmitted to LEAP on March 11, 2004. The department shall report quarterly on project delivery and expenditures.

(a) Within the amounts provided in this subsection, a maximum of \$58,412,000 of the Puget Sound capital construction account--state appropriation, \$21,362,000 of the Puget Sound capital construction account--federal appropriation, and \$249,000 of the Puget Sound capital construction account--local appropriation are provided for terminal projects.

(b) Within the amounts provided in this subsection, a maximum of \$44,765,000 of the Puget Sound capital construction account--state appropriation, \$48,432,000 of the Puget Sound capital construction account--federal appropriation, and \$205,000 of the multimodal transportation account--state appropriation are provided for vessel projects.

(c) Within the amounts provided in this subsection, \$5,250,000 of the Puget Sound capital construction account--state appropriation and \$87,000 of the Puget Sound capital construction account--federal appropriation are provided for emergency repair projects. Additionally, unused funds under (a) and (b) of this subsection, may be transferred to emergency repair projects.

(3) \$11,772,000 of the multimodal transportation account--state appropriation and \$5,749,000 of the transportation 2003 (nickel) account--state appropriation are provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law transmitted to LEAP on March 11, 2004. The department shall, on a quarterly basis, provide to the legislature status reports on each project in the Legislative 2003 Transportation Project List - New Law. The department is to work with the legislature to agree on report formatting and elements. Elements shall include, but are not limited to, project schedule and project costs.

(4) \$300,000 of the Puget Sound capital construction account--state appropriation is provided solely for a study of alternatives to relocating the Keystone Terminal. The study team shall consist of seven members. All members of the study team shall be selected by June 1, 2004. The transportation commission shall select the following study team members: One Washington state ferry pilot, two members of the traveling public that use the Keystone to Port Townsend route on a regular basis, one tug pilot, and three department staff members, two of whom work for the Washington state ferry system program. The department shall issue a request for proposals on behalf of the study team for an outside consulting firm to conduct the study. The consulting firm shall meet with the study team periodically. The study will include, but is not limited to the following topics regarding the existing terminal: (a) The costs and benefits associated with preserving and maintaining the terminal, including enlarging the harbor and dredging; (b) ridership projections associated with preserving and maintaining the current terminal; (c) maintaining and retrofitting existing vessels so they can serve the terminal; (d) coordinating the impact of vehicles using the ferry run with highway capacity; (e) how many, if any, new vessels should be constructed; and (f) the impact on the environment. The study group and consultant must report back to the legislative transportation committee no later than December 1, 2004. This report must include alternative scenarios to relocating the Keystone Terminal.

(5) The Puget Sound capital construction account--state appropriation includes ~~(\$45,000,000)~~ \$29,385,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

~~((5))~~ (6) The Washington state ferries shall consult with the United States Coast Guard regarding operational and design standards required to meet Safety of Life at Sea requirements, in an effort to determine the most efficient and cost-effective vessel design that meets these requirements.

Sec. 306. 2003 1st sp.s. c 26 s 508 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL
Essential Rail Assistance Account--State Appropriation \$770,000**

Multimodal Transportation Account--State Appropriation \$34,530,000
 Multimodal Transportation Account--Federal Appropriation \$9,499,000
 Washington Fruit Express Account--State Appropriation \$500,000
 TOTAL APPROPRIATION \$45,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$4,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account--federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on ~~((April 27, 2003))~~ March 11, 2004.

(3) \$1,230,000 of the multimodal transportation account--state appropriation and \$770,000 of the essential rail assistance account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on ~~((April 27, 2003))~~ March 11, 2004.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

(7) The department may not execute the Palouse River & Coulee City Rail purchase until the chairs of the transportation committees of the legislature have reviewed, and the office of financial management has approved, a business plan that demonstrates the long term financial viability of state-owned, privately operated short rail service. The office of financial management shall issue to the chairs of the transportation committees of the legislature a report outlining reasons for the acceptance or rejection of the plan.

Sec. 307. 2003 c 360 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--
 CAPITAL**

Highway Infrastructure Account--State Appropriation \$207,000	
Highway Infrastructure Account--Federal Appropriation \$1,602,000	
Motor Vehicle Account--State Appropriation ((<u>\$28,425,000</u>))	<u>\$21,826,000</u>
<u>Motor Vehicle Account--Federal Appropriation \$1,000,000</u>	
Multimodal Transportation Account--State Appropriation ((<u>\$13,726,000</u>))	<u>\$15,226,000</u>
TOTAL APPROPRIATION ((<u>\$43,960,000</u>))	<u>\$39,861,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law Local Projects report transmitted to LEAP on April 27, 2003.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. If dredge material is disposed of in the ocean, the department shall not expend the appropriation in this subsection unless agreement on ocean disposal sites has been reached that protects the state's commercial

crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) (~~(\$1,156,000)~~) \$647,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) (~~(\$4,010,000)~~) \$3,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes (~~(\$20,452,000)~~) \$15,317,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) The multimodal transportation account--state appropriation includes \$6,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the multimodal account--state appropriation is provided solely to complete the engineering and permitting necessary to implement the Skagit county flood control project.

(9) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely to support the safe routes to school program.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2003 c 360 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation ((\$258,971,000))	<u>\$250,000,000</u>
Nondebt-Limit Reimbursable Account Appropriation \$4,131,000	
Ferry Bond Retirement Account Appropriation \$43,340,000	
Transportation Improvement Board Bond Retirement Account--State Appropriation \$36,721,000	
Motor Vehicle Account--State Appropriation ((\$3,876,000))	<u>\$5,254,000</u>
Special Category C Account--State Appropriation ((\$331,000))	<u>\$338,000</u>
Transportation Improvement Account--State Appropriation \$240,000	
Multimodal Transportation Account--State Appropriation \$358,000	
Transportation 2003 Account (nickel account) Appropriation ((\$2,100,000))	<u>\$2,117,000</u>
TOTAL APPROPRIATION ((\$350,068,000))	<u>\$342,499,000</u>

Sec. 402. 2003 c 360 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation \$1,293,000
 Special Category C Account Appropriation \$111,000

Transportation Improvement Account--State Appropriation ((\$5,000))	<u>\$21,000</u>
Multimodal Transportation Account--State Appropriation \$119,000	
Transportation 2003 Account (nickel account)--State Appropriation \$700,000	
TOTAL APPROPRIATION ((\$2,228,000))	<u>\$2,244,000</u>

Sec. 403. 2003 c 360 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation:

For transfer to the Tacoma Narrows toll bridge account \$567,000,000

The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound capital construction account (~~(\$45,000,000)~~)

\$29,385,000

The department of transportation is authorized to sell up to \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2003 c 360 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties (~~(\$441,359,000)~~)

\$440,228,000

Motor Vehicle Account--State Appropriation:

For license permit and fee distributions to cities and counties (~~(\$51,652,000)~~)

\$13,119,000

Sec. 405. 2003 c 360 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

(1) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account (~~(\$20,000,000)~~)

\$15,000,000

(2) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers (~~(\$465,152,000)~~)

\$770,347,000

(3) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state (~~(\$12,000,000)~~)

\$22,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

Sec. 406. 2003 c 360 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) Motor Vehicle Account--State Appropriation:

For transfer to Puget Sound Ferry Operations Account \$21,757,000

(2) RV Account--State Appropriation:

For transfer to the Motor Vehicle Account--State \$1,954,000

(3) Motor Vehicle Account--State Appropriation:

For transfer to Puget Sound Capital Construction Account (~~(\$64,287,000)~~)

\$58,287,000

(4) Puget Sound Ferry Operations Account--State Appropriation: For transfer to Puget Sound Capital Construction Account \$22,000,000

(5) Transportation Equipment Fund--State Appropriation: For transfer to the Motor Vehicle

Account--State \$5,000,000

(6) Advanced Right-of-Way Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$3,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsections (2) and (3) of this section up to the level provided, on an as-needed basis.

(b) The department of transportation shall transfer funds in subsection (4) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.

(c) The amount identified in subsection (4) of this section may not include any revenues collected as passenger fares.

Sec. 407. 2003 c 360 s 407 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

State Patrol Highway Account: For transfer to the department of retirement systems expense account:

For the administrative expenses of the (~~judicial~~) Washington state patrol retirement system (~~(\$223,304)~~) \$290,000

MISCELLANEOUS

Sec. 501. RCW 70.94.996 and 2003 c 364 s 9 are each amended to read as follows:

(1) To the extent that funds are appropriated, the department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before July 1, 2013, to their own or other employees.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any fiscal year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any fiscal year. However, this subsection does not apply during the 2003-2005 fiscal biennium.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires January 1, 2014.

NEW SECTION. Sec. 502. A new section is added to 2003 c 360 (uncodified) to read as follows:

The department is given the authority to provide up to \$3,000,000 in toll credits to Kitsap transit for its role in new passenger-only ferry service. The number of toll credits provided to Kitsap transit must be equal to, but no more than, a number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized under this section.

NEW SECTION. Sec. 503. A new section is added to 2003 c 360 (uncodified) to read as follows:

(1) The transportation commission may authorize a transfer of spending allocation within the appropriation provided and between projects as listed in the Legislative 2003 Transportation Project List - New Law to manage project spending near biennial cutoffs under the following conditions and limitations:

(a) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project, but transfers may only be made in the biennium in which the savings occur;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Transfers may be made within the current biennium from projects that are experiencing unavoidable expenditure delays, but the transfers may only occur if the commission finds that any resulting change to the nickel program financial plan provides that all projects on the list may be completed as intended by the legislature;

(d) Transfers may not occur to projects not identified on the list; and

(e) Transfers may not occur if they are for the purpose of advancing or delaying project milestones.

(2) The legislature reserves the authority to: (a) Authorize transfer of spending allocation to adjust legislatively approved milestones; (b) increase or diminish the scope of a project; (c) provide for new projects; and (d) address significant project cost overruns.

(3) For the purposes of this section, "project milestones" means the initiation of major project phases including preliminary design, right of way, project advertisement date, or other significant project management decisions.

NEW SECTION. Sec. 504. A new section is added to 2003 c 360 (uncodified) to read as follows:

It is the intent of the legislature that the freight mobility account created in Substitute Senate Bill No. 6680 maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the Washington state department of transportation may make expenditures from the account before receiving reimbursements. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the freight mobility account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the freight mobility account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the freight mobility account to the motor vehicle fund and the multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.

NEW SECTION. Sec. 505. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 506. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 70.94.996; amending 2003 1st sp.s. c 26 ss 506 and 508 (uncodified); amending 2003 c 360 ss 102, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 303, 305, 308, 310, 401, 402, 403, 404, 405, 406, and 407 (uncodified); adding new sections to 2003 c 360 (uncodified); and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474 and asked the Senate to recede therefrom.

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

SECOND READING

ENGROSSED SENATE BILL NO. 6737, By Senators Hewitt and Honeyford

Changing provisions relating to distribution of liquor.

The bill was read the second time.

Representative Conway moved the adoption of the following amendment (1214):

On page 1, beginning on line 4, strike all of sections 1 and 2.

Re-number the remaining section.

On page 7, after line 18, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Conway spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Santos, Representative Edwards was excused. On motion of Representative Woods, Representative Hinkle was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6737, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6737, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Hinkle - 2.

ENGROSSED SENATE BILL NO. 6737, as amended by the House, having received the necessary constitutional majority, was declared.

MESSAGES FROM THE SENATE

March 11, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1322,
SUBSTITUTE HOUSE BILL NO. 1328,
HOUSE BILL NO. 2615,
SUBSTITUTE HOUSE BILL NO. 2904,
ENGROSSED HOUSE BILL NO. 2968,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2537, and the same is herewith transmitted.

Milt H. Doumit, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1322,
SUBSTITUTE HOUSE BILL NO. 1328,
HOUSE BILL NO. 2537,
HOUSE BILL NO. 2615,
SUBSTITUTE HOUSE BILL NO. 2904,
ENGROSSED HOUSE BILL NO. 2968,

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.16 RCW to read as follows:

(1) For the purposes of this section:

(a) "Chlor-alkali electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a chlor-alkali electrolytic process to split the electrochemical bonds of sodium chloride and water to make chlorine and sodium hydroxide. A "chlor-alkali electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of the effective date of this section.

(b) "Sodium chlorate electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a sodium chlorate electrolytic process to split the electrochemical bonds of sodium chloride and water to make sodium chlorate and hydrogen. A "sodium chlorate electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of the effective date of this section.

(2) Effective July 1, 2004, the tax levied under this chapter does not apply to sales of electricity made by a light and power business to a chlor-alkali electrolytic processing business or a sodium chlorate electrolytic processing business for the electrolytic process if the contract for sale of electricity to the business contains the following terms:

(a) The electricity to be used in the electrolytic process is separately metered from the electricity used for general operations of the business;

(b) The price charged for the electricity used in the electrolytic process will be reduced by an amount equal to the tax exemption available to the light and power business under this section; and

(c) Disallowance of all or part of the exemption under this section is a breach of contract and the damages to be paid by the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business are the amount of the tax exemption disallowed.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the electrolytic process.

(4) In order to claim an exemption under this section, the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business must provide the light and power business with an exemption certificate in a form and manner prescribed by the department.

(5)(a) This section does not apply to sales of electricity made after December 31, 2010.

(b) This section expires June 30, 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 82.32 RCW to read as follows:

(1) For the purposes of this section, "electrolytic processing business tax exemption" means the exemption and preferential tax rate under section 1 of this act.

(2) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(3) The goals of the electrolytic processing business tax exemption are:

(a) To retain family wage jobs by enabling electrolytic processing businesses to maintain production of chlor-alkali and sodium chlorate at a level that will preserve at least seventy-five percent of the jobs that were on the payroll effective January 1, 2004; and

(b) To allow the electrolytic processing industries to continue production in this state through 2011 so that the industries will be positioned to preserve and create new jobs when the anticipated reduction of energy costs occur.

(4)(a) A person who receives the benefit of an electrolytic processing business tax exemption shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report is due by March 31st following any year in which a tax exemption is claimed or used. The report shall not include names of employees. The report shall detail employment by the total number of full-time, part-time, and temporary positions. The report shall indicate the quantity of product produced at the plant during the time period covered by the report. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a tax exemption. Employment reports shall include data for actual levels of employment and identification of the number of jobs affected by any employment reductions that have been publicly announced at the time of the report. Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department shall declare the amount of taxes exempted for that year to be immediately due and payable. Public utility taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(5) By December 1, 2007, and by December 1, 2010, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the tax incentive under section 1 of this act. The report shall measure the effect of the incentive on job retention for Washington residents, and other factors as the committees select. The report shall also discuss expected trends or changes to electricity prices as they affect the industries that benefit from the incentives."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McIntire and Crouse spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2518, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2518, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson,

Skinner, Sommers, Sullivan, Sump, Talcott, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Chase, Moeller, Nixon and Tom - 4.

Excused: Representatives Edwards and Hinkle - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459, with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 2003 1st sp.s. c 25 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2004) \$28,109,000

General Fund--State Appropriation (FY 2005) (~~(\$28,233,000)~~)

\$28,308,000

Department of Retirement Systems Expense Account--State Appropriation \$45,000

TOTAL APPROPRIATION (~~(\$56,387,000)~~)

\$56,462,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

Sec. 102. 2003 1st sp.s. c 25 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2004) \$22,001,000

General Fund--State Appropriation (FY 2005) (~~(\$23,173,000)~~)

\$23,248,000

Department of Retirement Systems Expense Account--State Appropriation \$45,000

TOTAL APPROPRIATION (~~(\$45,219,000)~~)

\$45,294,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

Sec. 103. 2003 1st sp.s. c 25 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2004) \$1,627,000

General Fund--State Appropriation (FY 2005) (~~(\$1,717,000)~~)

\$2,242,000

TOTAL APPROPRIATION (~~(\$3,344,000)~~)

\$3,869,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the state general fund appropriation for fiscal year 2005 is provided for a performance audit of the policies and practices of the state wildfire suppression program. Annual fire suppression costs averaged \$11,000,000 for the ten years ending with fiscal year 2001, yet have increased to an average of \$31,000,000 per year for fiscal years 2002, 2003, and 2004. The legislature realizes that overall forest health

issues may contribute to some of this increase, but the legislature intends to evaluate the full range of causes for such large increases in fire suppression costs. The performance audit shall include, but not be limited to:

(a) A review of how current fire suppression practices comply with the policies and intent of chapter 76.04 RCW;

(b) An examination of the factors that are contributing to the recent increase in the cost of fire suppression. The examination shall include a review of changes in the use of high-cost equipment and services; changes in the level of reimbursement for contractors and employees; changes in the use of permanent agency employees for fire suppression compared to the use of temporary employees, inmate labor, and contractors; and changes in other significant costs. The examination shall include an analysis of how the respective responsibilities of various state agencies, local fire districts, and federal agencies are used to determine cost allocation among the responsible agencies;

(c) An examination of how the department of natural resources determines the proportion of fire suppression costs charged to private parties and the landowners contingency account; and

(d) Any findings and recommendations from the state auditor's office related to fire suppression costs.

A final report of the performance audit shall be provided to the appropriate fiscal and policy committees of the legislature by June 30, 2005.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a study of state and national trends for prevalence of developmental disabilities including autism, mental retardation, cerebral palsy, and other major developmental disabilities. The study shall include but not be limited to a review of:

(a) Epidemiological studies on the causes of developmental disabilities;

(b) On-going population-based surveillance being conducted in other states;

(c) Genetic and environmental factors that may be contributing to an increase in developmental disabilities; and

(d) Data sources specific to Washington state.

A report shall be submitted to the appropriate committees of the legislature by December 1, 2004.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a study of the distribution of gambling revenues in Washington and other states. The study shall include, but not necessarily be limited to, a survey of the types of gambling allowed by state, local, and tribal governments; the types of revenues from gambling, such as fees, taxation, and revenue sharing; and the distribution to state, local, and tribal governments of those revenues. The committee shall report the study findings to the appropriate policy and fiscal committees of the legislature no later than December 1, 2004.

(4) \$25,000 of the fiscal year 2005 general fund--state appropriation is provided solely for a study evaluating the state's current rules related to the licensing and testing requirements for heating, ventilation and air conditioning contractors and installers. The study shall develop recommendations for modifications in licensing and testing requirements.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the joint legislative audit and review committee and the state auditor's office to conduct a legal and financial review of alternative learning experience programs under WAC 392-121-182. The joint legislative audit and review committee shall be the lead agency in conducting the review. Prior to undertaking this review, the joint legislative audit and review committee and the state auditor's office shall develop a mutually acceptable work plan for conducting the review, detailing the roles and responsibilities of the two agencies and the topics to be covered in the review. The topics should include, but not be limited to: (a) Numbers of students served, variations in program types, and funding patterns for alternative learning experience programs, including digital curriculum and online courses; (b) the adequacy of current rules, regulations, and procedures to safeguard against the misuse of public resources based on any deficiencies identified in the state auditor's audit of alternative learning experience programs due to be completed in May 2004; (c) identification of policy and administrative options to address and correct such identified deficiencies; and (d) the potential fiscal impacts of any proposed options for changes to alternative learning experience programs. The staff of the joint legislative audit and review committee shall work with fiscal staff of the senate, the house of representatives, and the office of financial management in identifying these potential fiscal impacts. The joint legislative audit and review committee shall provide an interim report by February 1, 2005, and a final report by July 1, 2005, of its findings and recommendations to the appropriate policy and fiscal committees of the legislature. School districts are authorized to operate digital learning curriculum and/or online courses of study under current district procedures and practices until June 30, 2005.

(6) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to study current and potential methods of bidding and purchasing school buses for home-to-school transportation. The purpose of the study is to recommend methods and systems for obtaining competitive prices for state reimbursement purposes and for district purchasing purposes while at the same time allowing local school district control over decisions concerning the management of pupil transportation systems and the make-up of bus fleets. The study shall examine bidding and purchasing methods and procedures used in other states and compare the results of those methods with the results of current and past methods employed by the office of the superintendent

of public instruction, purchasing organizations, and school districts in this state. A preliminary report, including recommendations, shall be available by December 2004.

(7) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Third Engrossed Substitute House Bill No. 1053 (government accountability). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 104. 2003 1st sp.s. c 25 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2004) ((\$1,656,000))	<u>\$1,631,000</u>
General Fund--State Appropriation (FY 2005) ((\$1,799,000))	<u>\$1,774,000</u>
TOTAL APPROPRIATION ((\$3,455,000))	<u>\$3,405,000</u>

~~((The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund state appropriation for fiscal year 2004 and \$25,000 of the general fund state appropriation for fiscal year 2005 are provided solely for the legislative evaluation and accountability program committee, in consultation with the economic and revenue forecast council, to establish and maintain a set of economic indicators that could be used for adjusting the statewide salary schedule by a regional cost of living index. The economic indicators to be included in this index include but are not limited to the median cost of housing.~~

~~(1) In developing the regional cost of living index, the legislative evaluation and accountability program committee shall collect data on the economic activity comprising the cost of living indexes for geographic areas of the state coterminous with the boundaries of the nine educational service districts established under RCW 28A.310.010.~~

~~(2) Not later than July 1, 2004, the legislative evaluation and accountability program committee shall submit the regional cost of living index to an advisory committee for its review. The advisory committee shall be appointed by the governor and shall consist of one member representing the office of financial management, one member representing the employment security department, one member representing the office of the superintendent of public instruction, and three representatives of the private sector having demonstrated expertise in regional economics. The advisory committee shall not receive compensation for performance of its duties but may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.~~

~~(3) Not later than October 1, 2004, the advisory committee created under this section shall submit to the director of the legislative evaluation and accountability program committee written comment on the proposed regional cost of living index. The written comment may include recommendations for revision to the index or its components.~~)

Sec. 105. 2003 1st sp.s. c 25 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2004) ((\$5,462,000))	<u>\$5,475,000</u>
General Fund--State Appropriation (FY 2005) ((\$5,665,000))	<u>\$5,720,000</u>
TOTAL APPROPRIATION ((\$11,127,000))	<u>\$11,195,000</u>

Sec. 106. 2003 1st sp.s. c 25 s 110 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2004) ((\$2,045,000))	<u>\$2,049,000</u>
General Fund--State Appropriation (FY 2005) \$2,050,000	
TOTAL APPROPRIATION ((\$4,095,000))	<u>\$4,099,000</u>

Sec. 107. 2003 1st sp.s. c 25 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2004) ((\$12,510,000))	<u>\$12,523,000</u>
General Fund--State Appropriation (FY 2005) ((\$12,747,000))	<u>\$12,931,000</u>
TOTAL APPROPRIATION ((\$25,257,000))	<u>\$25,454,000</u>

Sec. 108. 2003 1st sp.s. c 25 s 113 (uncodified) is amended to read as follows:
FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2004) ((\$17,295,000))	<u>\$17,374,000</u>
General Fund--State Appropriation (FY 2005) ((\$17,340,000))	<u>\$18,036,000</u>
Public Safety and Education Account--State Appropriation ((\$43,389,000))	<u>\$43,534,000</u>
Judicial Information Systems Account--State Appropriation ((\$27,903,000))	<u>\$31,803,000</u>
TOTAL APPROPRIATION ((\$105,927,000))	<u>\$110,747,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) \$750,000 of the general fund--state appropriation for fiscal year 2004 and \$750,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(3) (~~(\$12,572,000)~~) \$16,172,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information system. (~~(This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2003-05 biennium.)~~) Of this amount, \$1,100,000 is provided solely for disaster recovery planning, equipment, and testing for the judicial information system.

(4) \$3,000,000 of the public safety and education account--state appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(5) \$13,224,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(6) The distributions made under subsection (6) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(7) Each fiscal year during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the (~~(department)~~) administrator for the courts no later than 45 days after the end of the fiscal year. The (~~(department)~~) administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(8) \$813,000 of the general fund--state appropriation for fiscal year 2004 and \$762,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

(9) \$1,800,000 of the public safety and education account appropriation is provided solely for distribution to the county clerks for the collection of legal financial obligations pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders). The funding shall be distributed by the office of the administrator for the courts to the county clerks in accordance with the funding formula determined by the Washington association of county officials pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

Sec. 109. 2003 1st sp.s. c 25 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2004) \$666,000	
General Fund--State Appropriation (FY 2005) \$884,000	
Public Safety and Education Account--State Appropriation ((\$12,395,000))	<u>\$12,783,000</u>
TOTAL APPROPRIATION ((\$13,945,000))	<u>\$14,333,000</u>

The appropriations in this section are subject to the following conditions and limitations:
(1) \$51,000 of the public safety and education account appropriation is provided solely for the office of public defense's costs in implementing chapter 303, Laws of 1999 (court funding).
(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

Sec. 110. 2003 1st sp.s. c 25 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2004) \$3,773,000	
General Fund--State Appropriation (FY 2005) ((\$3,776,000))	<u>\$4,011,000</u>
General Fund--Federal Appropriation \$1,140,000	
Water Quality Account--State Appropriation \$3,854,000	
TOTAL APPROPRIATION ((\$12,543,000))	<u>\$12,778,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,854,000 of the water quality account appropriation and \$1,140,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

Sec. 111. 2003 1st sp.s. c 25 s 118 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2004) ((\$24,336,000))	<u>\$18,298,000</u>
General Fund--State Appropriation (FY 2005) \$17,092,000	
General Fund--Federal Appropriation \$6,967,000	
Archives and Records Management Account--State Appropriation ((\$8,150,000))	<u>\$8,414,000</u>
Department of Personnel Service Account--State Appropriation \$699,000	
<u>Election Account--State Appropriation \$3,140,000</u>	
Election Account--Federal Appropriation ((\$13,121,000))	<u>\$33,121,000</u>
Local Government Archives Account--State Appropriation ((\$7,067,000))	<u>\$9,010,000</u>
TOTAL APPROPRIATION ((\$77,432,000))	<u>\$96,741,000</u>

The appropriations in this section are subject to the following conditions and limitations:
(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.
(2) \$1,826,000 of the general fund--state appropriation for fiscal year 2004 and \$2,686,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.
(3) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal advertising of state measures under RCW 29.27.072.
(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2004 and \$1,986,772 of the general fund--state appropriation for fiscal year 2005 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of

statewide significance during the 2003-05 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) ~~(\$6,038,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse the counties for the state's share of the cost of conducting the presidential primary.)~~ \$252,000 of the archives and records management account--state appropriation and \$1,504,000 of the local government archives account--state appropriation are provided solely for additional facility capital costs, digital archive technology architecture costs, and additional digital archive staff and operational costs, associated with the new eastern regional archives and digital archives facility.

(6) The entire election account--state appropriation in this section is provided solely as state match funding for federal moneys provided under the Help America Vote act (P.L. 107-252). Of the state match funding provided, the secretary of state may expend only the amount required to match the federal funding received, and any amount that is not necessary to match the federal funding shall lapse. After receipt of the federal moneys, the office of the secretary of state shall notify the appropriations committee of the house of representatives and the ways and means committee of the senate of the amount of federal funding received and the associated required state match.

Sec. 112. 2003 1st sp.s. c 25 s 121 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation (~~(\$13,149,000)~~) \$13,463,000

Sec. 113. 2003 1st sp.s. c 25 s 122 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2004) \$701,000
General Fund--State Appropriation (FY 2005) (~~(\$702,000)~~) \$802,000

State Auditing Services Revolving Account--State Appropriation \$12,810,000
TOTAL APPROPRIATION (~~(\$14,213,000)~~) \$14,313,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$701,000 of the general fund--state appropriation for fiscal year 2004 and \$702,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a review of emergency fire suppression costs in the department of natural resources. The state auditor's office shall coordinate this study with the joint legislative audit and review committee performance audit of the emergency fire suppression program. The state auditor's review of fire suppression costs shall examine payroll documents

and invoices to determine if appropriate controls are in place to ensure that only appropriate emergency fires suppression costs are charged to the emergency fire suppression budget.

Sec. 114. 2003 1st sp.s. c 25 s 123 (uncodified) is amended to read as follows:
FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS
General Fund--State Appropriation (FY 2004) (~~(\$83,000)~~)

	<u>\$112,000</u>
General Fund--State Appropriation (FY 2005) ((\$157,000))	<u>\$192,000</u>
TOTAL APPROPRIATION ((\$240,000))	<u>\$304,000</u>

Sec. 115. 2003 1st sp.s. c 25 s 124 (uncodified) is amended to read as follows:
FOR THE ATTORNEY GENERAL
General Fund--State Appropriation (FY 2004) (~~(\$4,057,000)~~)

	<u>\$4,345,000</u>
General Fund--State Appropriation (FY 2005) ((\$4,109,000))	<u>\$4,166,000</u>
General Fund--Federal Appropriation \$2,845,000	
Public Safety and Education Account--State Appropriation ((\$1,814,000))	<u>\$2,001,000</u>
Tobacco Prevention and Control Account--State Appropriation \$270,000	
New Motor Vehicle Arbitration Account--State Appropriation \$1,180,000	
Legal Services Revolving Account--State Appropriation ((\$165,275,000))	<u>\$166,624,000</u>
TOTAL APPROPRIATION ((\$179,550,000))	<u>\$181,431,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$818,000 of the legal services revolving account--state appropriation is provided solely for legal defense costs associated with *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad et al.*

(4) \$70,000 of the legal services revolving account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6489 (correctional industries). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 116. 2003 1st sp.s. c 25 s 125 (uncodified) is amended to read as follows:
FOR THE CASELOAD FORECAST COUNCIL
General Fund--State Appropriation (FY 2004) (~~(\$638,000)~~)

	<u>\$669,000</u>
General Fund--State Appropriation (FY 2005) ((\$639,000))	<u>\$671,000</u>
TOTAL APPROPRIATION ((\$1,277,000))	<u>\$1,340,000</u>

Sec. 117. 2003 1st sp.s. c 25 s 126 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
General Fund--State Appropriation (FY 2004) (~~(\$61,459,000)~~)

	<u>\$61,805,000</u>
General Fund--State Appropriation (FY 2005) ((\$60,801,000))	<u>\$66,566,000</u>
General Fund--Federal Appropriation ((\$213,287,000))	<u>\$236,264,000</u>
General Fund--Private/Local Appropriation ((\$10,574,000))	<u>\$15,075,000</u>
Public Safety and Education Account--State Appropriation \$10,095,000	

Public Works Assistance Account--State Appropriation ((\$1,913,000))	<u>\$2,088,000</u>
Building Code Council Account--State Appropriation \$1,061,000	
Administrative Contingency Account--State Appropriation \$1,776,000	
Low-Income Weatherization Assistance Account--State Appropriation ((\$3,293,000))	<u>\$8,293,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$9,013,000	
Manufactured Home Installation Training Account--State Appropriation \$256,000	
Community Economic Development Account--State Appropriation ((\$1,909,000))	<u>\$1,581,000</u>
Washington Housing Trust Account--State Appropriation \$16,740,000	
Public Facility Construction Loan Revolving Account--State Appropriation \$622,000	
Lead Paint Account--State Appropriation \$6,000	
<u>Developmental Disabilities Endowment Trust Fund--State Appropriation \$120,000</u>	
<u>Homeless Families Services Fund--State Appropriation \$150,000</u>	
TOTAL APPROPRIATION ((\$392,805,000))	<u>\$431,511,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,838,000 of the general fund--state appropriation for fiscal year 2004 and \$2,838,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.
 - (2) \$61,000 of the general fund--state appropriation for fiscal year 2004 and \$62,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.
 - (3) \$10,180,797 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2004 as follows:
 - (a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;
 - (b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
 - (c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
 - (d) \$197,154 to the department for grants to support tribal law enforcement needs;
 - (e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;
 - (f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;
 - (g) \$687,155 to the department to continue domestic violence legal advocacy;
 - (h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;
 - (i) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
 - (j) \$89,705 to the department to continue the governor's council on substance abuse;
 - (k) \$97,591 to the department to continue evaluation of Byrne formula grant programs;
 - (l) \$572,919 to the office of financial management for criminal history records improvement; and
 - (m) \$804,228 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.
- These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.
- (4) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.
 - (5) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(6) \$205,000 of the general fund--state appropriation for fiscal year 2004 and \$205,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to Washington Columbia River Gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(8) \$5,085,000 of the general fund--state appropriation for fiscal year 2004, \$5,085,000 of the general fund--state appropriation for fiscal year 2005, \$4,250,000 of the general fund--federal appropriation, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(9) (~~(\$697,000)~~) \$369,000 of the community economic development account appropriation (~~(is)~~) and \$120,000 of the developmental disabilities endowment trust fund appropriation are provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(10) \$800,000 of the general fund--federal appropriation and \$6,000 of the lead paint account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5586 (lead-based paint). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) (~~(\$300,000)~~) \$125,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$300,000)~~) \$475,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the business retention and expansion program to fund contracts with locally based development organizations for local business and job retention activities. In administering new and existing funding for the business retention and expansion program, the department shall ensure the existing local programs are funded at levels that meet or exceed the funding provided in the 2001-2003 biennium.

(12) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the tourism office to market Washington state as a travel destination to northwest states, California, and British Columbia. By December 1, 2004, the department shall report to the relevant legislative policy and fiscal committees on the effectiveness of these expenditures.

(13) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for business development activities to conduct statewide and/or regional business recruitment and client lead generation services. In administering this funding, the department shall solicit recommendations from a statewide economic development organization representing associate development organizations.

(14) \$60,000 of the general fund--state appropriation for fiscal year 2004 and \$60,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(15) \$26,862,000 of the general fund--state appropriation for fiscal year 2004 and \$26,862,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(16) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(17) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the foreign offices (overseas representatives) to expand local capacity for China, expand operations in Shanghai, Beijing and Hong Kong, and in Mexico to assist Washington exporters in expanding their sales opportunities.

(18) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments

on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(21) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

(22) \$10,208,818 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2005 as follows:

(a) \$3,533,522 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$608,002 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,336,624 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$196,130 to the department for grants to support tribal law enforcement needs;

(e) \$971,823 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$296,697 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$683,586 to the department to continue domestic violence legal advocacy;

(h) \$885,526 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$59,688 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(j) \$89,239 to the department to continue the governor's council on substance abuse;

(k) \$97,084 to the department to continue evaluation of Byrne formula grant programs;

(l) \$650,846 to the office of financial management for criminal history records improvement; and

(m) \$800,051 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold those moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(23) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$400,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the purpose of grants to support the base realignment and closure process. The department shall develop and implement criteria and procedures such as the types of activities that can be funded by the grants and requirements for local matching funds for the issuance of grants to one organization within: Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county. The department shall use a portion of the funding provided to support the related activities of state agencies as identified by the governor.

(24) \$163,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for pass through to community voice mail agencies as identified in this subsection, in order for these agencies to provide people in crisis and transition free and personalized voice mail services:

(a) The Opportunity Council, Bellingham, \$15,000;

(b) Skagit Community Action, Skagit county, \$12,000;

(c) The Opportunity Council, Island county, \$11,000;

(d) Volunteers of America, Snohomish county, \$10,616;

(e) Fremont Public Association, Seattle, \$27,909;

(f) Metropolitan Development Council, Tacoma, \$10,475;

(g) Community Voice Mail National, Olympia, \$18,000;

(h) Council on Homelessness, Vancouver, \$12,500;

(i) Chelan-Douglas Community Action, north central Washington, \$13,000;

(j) Benton-Franklin Community Action, south central Washington, \$17,500; and

(k) SNAP, Spokane, \$15,000.

(25) \$634,000 of the general fund--state appropriation for fiscal year 2004, \$634,000 of the general fund--state appropriation for fiscal year 2005, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(26) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to the department of community, trade, and economic development for the northwest orthopaedic institute to develop additional organizational infrastructure to assist community-based musculoskeletal health research.

(27) \$300,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to the department of community, trade, and economic development for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(28) \$99,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the retired senior volunteer program.

(29) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for increased civil legal services for the indigent. Of this amount, \$100,000 shall be allocated to a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.

(30) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the homeless families services fund created in section 718 of this act.

(31) The entire homeless families services fund--state appropriation is provided solely to administer the homeless families fund and program created in section 718 of this act. It is the intent of the legislature that beginning with the 2005-07 biennium, the department choose a qualified contractor to administer the homeless families services fund program.

(32) \$421,000 of the general fund--state appropriation for fiscal year 2004 and \$193,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to coordinate the state's efforts in siting the 7E7 final assembly plant.

(33) \$60,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a study under (a) through (i) of this subsection. Expenditure of this amount is contingent upon a \$60,000 match from a county with a population exceeding one million. The department shall conduct a study to:

(a) Detail the progress in each of the buildable land counties to date in achieving annexation or incorporation of its urban growth area since adoption of the county's county-wide planning policies to the present time by documenting:

(i) The number of acres annexed;

(ii) The number of acres incorporated;

(iii) The number of residents annexed, incorporated, and remaining in urban unincorporated areas; and

(iv) The characteristic of urban land remaining unincorporated in terms of assessed value, infrastructure deficits, service needs, land use, commercial development, and residential development;

(b) Determine the characteristics of remaining urban unincorporated areas and current statutes, and estimate when all urban unincorporated areas in each county will be annexed or incorporated, based on the rate of progress to date;

(c) Survey the counties to identify those obstacles which, in their experience, slow or prohibit annexation;

(d) Survey the cities in each of the subject counties to identify obstacles, which in their experience, slow or prohibit annexation;

(e) Survey residents of urban unincorporated areas in each of the subject counties to identify their attitudes towards annexation or incorporation;

(f) Propose possible changes to city and county taxing authority which will serve to aid the transfer of annexation of remaining urban growth areas in a timely manner;

(g) Identify and discuss the need for funding of capital improvement projects needed to provide urban levels of service;

(h) Assess the role and statutory authority of the boundary review board and how altering their role and authority might facilitate annexation; and

(i) Propose possible changes to growth management or annexation processes which will facilitate annexation.

The department shall report to the local government committees of the legislature no later than December 1, 2004.

If a county does not wish to participate in this study, the county administrative officer shall submit those intentions, in writing, to the department no later than July 1, 2004.

(34) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the small business incubator account to implement Engrossed Substitute House Bill No. 2784 (small business incubator program). If this bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(35) \$75,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to implement Substitute Senate Bill No. 6488 (agricultural lands study). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 118. 2003 1st sp.s. c 25 s 128 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2004) (~~(\$12,662,000)~~)

\$12,617,000

General Fund--State Appropriation (FY 2005) (~~(\$12,383,000)~~)

General Fund--Federal Appropriation ((\$23,500,000))	\$12,860,000
	<u>\$23,924,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$242,000	
State Auditing Services Revolving Account--State Appropriation \$25,000	
TOTAL APPROPRIATION ((\$48,812,000))	<u>\$49,668,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$127,000~~)) \$67,000 of the general fund--state appropriation for fiscal year 2004 and ((~~\$122,000~~)) \$232,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute Senate Bill No. 5694 (integrated permit system) and Second Substitute Senate Bill No. 6217 (regulatory improvement center). ~~((If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.))~~ If Second Substitute Senate Bill No. 6217 is not enacted by June 30, 2004, \$50,000 of the general fund--state appropriation for fiscal year 2005 shall lapse.

(2) By November 15, 2003, the office of financial management shall report to the house of representatives committees on appropriations, capital budget, and transportation and to the senate committees on ways and means and highways and transportation on the ten general priorities of government upon which the 2005-07 biennial budgets will be structured. Each priority must include a proposed set of cross agency activities with definitions and outcome measures. For historical comparisons, the 2001-03 expenditures and 2003-05 appropriations must be restated in this format and organized by priority, activity, fund source, and agency.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the office of financial management to contract for an evaluation of the costs and benefits of additional efforts aimed at encouraging K-12 employee collective bargaining units to elect coverage under public employee benefits board (PEBB) administered health care plans. This evaluation will include, but is not limited to, the following: A review of current processes for the procurement of health benefit coverage by K-12 employees; an assessment of the costs and benefits for the state, local school districts, and K-12 employees of moving to PEBB administered health care plans; and options for creating incentives for K-12 employee collective bargaining units moving to PEBB administered plans. The office of financial management shall report regarding the results of this study to the governor and the fiscal committees of the legislature by December 1, 2004.

(4)(a) \$75,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a task force on noneconomic damages. On or before October 31, 2005, the task force shall prepare a study and develop, for consideration by the legislature, a proposed plan for implementation of an advisory schedule of noneconomic damages in actions for injuries resulting from health care under chapter 7.70 RCW. Implementation of any proposed plan is contingent upon statutory authorization by the legislature.

(b) The task force shall develop a proposed plan for use of an advisory schedule of noneconomic damages, as defined in RCW 4.56.250, that will increase the predictability and proportionality of settlements and awards for noneconomic damages in actions for injuries resulting from health care. The task force shall consider:

(i) The information that can most appropriately be used to provide guidance to the trier of fact regarding noneconomic damage awards, giving consideration to past noneconomic damage awards for similar injuries, considering severity and duration of the injuries, and other factors deemed appropriate by the task force; past noneconomic damage awards for similar claims for damages; and such other information the task force finds appropriate;

(ii) The most appropriate format in which to present the information to the trier of fact; and

(iii) When and under what circumstances an advisory schedule should be utilized in alternative dispute resolution settings and presented to the trier of fact at trial.

(c) A proposed implementation plan shall include, at a minimum:

(i) The information developed under subsection (b) of this section;

(ii) Identification of statutory, regulatory, or court rule changes necessary to implement the advisory schedule, as well as forms or other documents necessary to implement the schedule; and

(iii) Identification of the time required to implement an advisory schedule authorized by the legislature.

(d) The task force is composed of fourteen members, as follows: (i) One member from each of the two largest caucuses in the senate, to be appointed by the president of the senate, and one member from each of the two largest caucuses in the house of representatives, to be appointed by the speaker of the house of representatives; (ii) one health care ethicist; (iii) one economist; (iv) one actuary; (v) two attorneys with expertise or significant experience in medical malpractice actions, one representing the plaintiff's bar and one representing the insurance defense bar; (vi) two superior court judges; (vii) one representative of a hospital; (viii) one physician; (ix) one representative of a medical malpractice insurer; and (x) two consumers. The governor shall appoint the nonlegislative members of the task force and select a chair.

(e) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members of the task force shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(f) The office of financial management shall provide support to the task force with the assistance of staff from the administrative office of the courts, the house of representatives office of program research, and senate committee services.

(5) \$252,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the office to study land use and local government finance and make recommendations on the impact that current trends in city and county revenue sources and expenditures may have on land use decisions made by counties and cities and meeting goals of the growth management act. Among the areas to be studied: Local government revenue sources and expenditures over the past decade; the relationship between local government finances and land use decisions including commercial, residential, and industrial development; cooperation or competition of adjoining jurisdictions over land use and annexation; the relationship new development has to existing commercial and residential areas and its affect on a community's infrastructure and quality of life. The study shall include recommendations for state and local government fiscal partnerships that encourage cooperation among jurisdictions to meet the goals of the growth management act, and how the state and local government fiscal structure can better meet the responsibilities of providing services to citizens and meeting the goals of the growth management act.

Sec. 119. 2003 1st sp.s. c 25 s 129 (uncodified) is amended to read as follows:
FOR THE OFFICE OF ADMINISTRATIVE HEARINGS
Administrative Hearings Revolving Account--State Appropriation (~~(\$24,619,000)~~)

\$26,983,000

Sec. 120. 2003 1st sp.s. c 25 s 130 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF PERSONNEL
Department of Personnel Service Account--State Appropriation \$16,247,000
Higher Education Personnel Services Account--State Appropriation \$1,612,000
TOTAL APPROPRIATION \$17,859,000

The appropriations in this section are subject to the following conditions and limitations:
(1) The department is authorized to enter into a financing contract for up to (~~(\$32,095,000)~~) \$38,911,000, plus necessary financing expenses and required reserves, pursuant to chapter 39.94 RCW. The contract shall be to purchase, develop, and implement a new statewide payroll system and shall be for a term of not more than twelve years. The legislature recognizes the critical nature of the human resource management system and its relationship to successful implementation of civil service reform, collective bargaining, and the ability to permit contracting out of services to the private sector. Projects of this size and complexity have many risks associated with their successful and timely completion, therefore, to help ensure project success, the department of personnel and the office of financial management shall jointly report to the legislature by January 15, 2004, on progress toward implementing the human resource management system. The report shall include a description of mitigation strategies employed to address the risks related to: Business requirements not fully defined at the project outset; short time frame for system implementation; and delays experienced by other states. The report shall assess the probability of meeting the system implementation schedule and recommend contingency strategies as needed. The report shall establish the timelines, the critical path, and the dependencies for realizing each of the benefits articulated in the system feasibility study.

(2) The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

Sec. 121. 2003 1st sp.s. c 25 s 137 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF REVENUE
General Fund--State Appropriation (FY 2004) \$82,644,000
General Fund--State Appropriation (FY 2005) (~~(\$81,916,000)~~)

\$82,036,000

Timber Tax Distribution Account--State Appropriation (~~(\$5,191,000)~~)

\$5,327,000

Waste Education/Recycling/Litter Control--State Appropriation \$101,000
State Toxics Control Account--State Appropriation \$67,000
Oil Spill Administration Account--State Appropriation \$14,000
TOTAL APPROPRIATION (~~(\$169,933,000)~~)

\$170,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Senate Bill No. 5034 (senior citizen property tax exemption). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(2) \$136,000 of the timber tax distribution account appropriation is provided solely to implement Engrossed Substitute House Bill No. 2693 (taxation of timber). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 122. 2003 1st sp.s. c 25 s 138 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2004) ((\$1,141,000))	<u>\$1,186,000</u>
General Fund--State Appropriation (FY 2005) ((\$988,000))	<u>\$1,033,000</u>
TOTAL APPROPRIATION ((\$2,129,000))	<u>\$2,219,000</u>

Sec. 123. 2003 1st sp.s. c 25 s 140 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation \$1,990,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office's revolving fund charges to state agencies may not exceed (~~(\$1,282,000)~~) \$1,534,000.

(2) During the 2003-05 biennium, the office may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(3) During (~~fiscal year 2004~~) the 2003-05 biennium, the office may raise fees in excess of the fiscal growth factor.

Sec. 124. 2003 1st sp.s. c 25 s 141 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2004) ((\$193,000))	<u>\$235,000</u>
General Fund--State Appropriation (FY 2005) ((\$275,000))	<u>\$233,000</u>
General Fund--Federal Appropriation ((\$3,215,000))	<u>\$3,865,000</u>
General Administration Services Account--State Appropriation ((\$38,086,000))	<u>\$38,856,000</u>
TOTAL APPROPRIATION ((\$41,769,000))	<u>\$43,189,000</u>

Sec. 125. 2003 1st sp.s. c 25 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State Appropriation \$384,000	
Department of Retirement Systems Expense Account--State Appropriation ((\$44,485,000))	<u>\$45,216,000</u>
TOTAL APPROPRIATION ((\$44,869,000))	<u>\$45,600,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 1519, chapter 155, Laws of 2003 (unreduced duty death survivor benefits).

(2) \$1,678,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 2197, chapter 92, Laws of 2003 (law enforcement officers' and fire fighters' plan 2 board implementation).

(3) \$2,083,000 of the retirement systems expense account appropriation is provided solely for the support of the information systems project known as the electronic document image management system.

(4) \$124,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5094, chapter 157, Laws of 2003 (substitute employees' retirement credit).

(5) \$77,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5100, chapter 32, Laws of 2003 (fallen hero survivor benefits).

(6) \$21,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1206, chapter 156, Laws of 2003 (plan 3 contributions).

(7) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1207, chapter 402, Laws of 2003 (employee death benefits).

(8) \$324,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1829, chapter 412, Laws of 2003 (retire-rehire reform).

(9) \$125,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1202, chapter 293, Laws of 2003 (emergency medical technicians' retirement).

(10) \$188,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2418 (minimum disability benefits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(11) \$7,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2419 (unreduced line-duty death benefits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(12) \$5,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6254 (state patrol line-duty death benefits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(13) \$128,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2538 (\$1,000 minimum benefit). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(14) \$403,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2537 (public safety employees' retirement system). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 126. 2003 1st sp.s. c 25 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2004) \$1,000,000

General Fund--State Appropriation (FY 2005) (~~(\$1,000,000)~~)

\$1,650,000

Data Processing Revolving Account--State Appropriation \$3,569,000

TOTAL APPROPRIATION (~~(\$5,569,000)~~)

\$6,219,000

The appropriations in this section are subject to the following conditions and limitations: (~~(\$1,000,000)~~) \$1,650,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the digital learning commons to create a demonstration project, in collaboration with schools, which will provide a web-based portal where students, parents, and teachers from around the state will have access to digital curriculum resources, learning tools, and online classes. The intent is to establish a clearinghouse of high quality online courses and curriculum materials that are aligned with the state's essential learning requirements. The clearinghouse shall be designed for ease of use and shall pool the purchasing power of the state so that these resources and courses are affordable and accessible to schools, teachers, students, and parents. These appropriations are subject to the following conditions and limitations:

(1) The funding provided in this section shall be expended primarily for acquiring online courses and curriculum materials that are aligned with the state "essential learning requirements" and that meet standards of quality. No more than ten percent of the funds provided in this subsection shall be used for administrative expenses of the digital learning commons.

(2) To the maximum extent possible, funds shall be used on demonstration projects that utilize online course materials and curricula that are already available. The commons may also consider utilizing existing products in establishing the entire digital learning commons.

(3) By September 1, 2003, the digital learning commons shall begin offering access to and reimbursement for online courses and services.

(4) In consultation with the department of information services, the office of financial management shall monitor compliance with these conditions and limitations. By February 1, 2004, the digital learning commons shall submit a report to the governor and the appropriate legislative committees detailing the types of courses and services offered and the number of students served through the digital learning commons.

Sec. 127. 2003 1st sp.s. c 25 s 143 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$631,000

Insurance Commissioners Regulatory Account--State Appropriation (~~(\$32,307,000)~~)

\$33,209,000

TOTAL APPROPRIATION ((~~\$32,938,000~~))

\$33,840,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the insurance commissioner's regulatory account--state appropriation is provided solely to assess conditions in liability insurance markets in Washington. The commissioner will develop and provide information to Washington businesses, insurance agents, and brokers to assist such businesses in obtaining liability insurance coverage. The commissioner will also assist such businesses in determining which Washington agents and brokers have access to authorized and surplus lines insurers writing such liability coverages. The commissioner shall provide this information in a manner that does not discriminate or favor any agent, broker, or insurer writing business directly. Nothing in this section shall impair the authority of the commissioner to activate a market assistance plan under RCW 48.22.050.

Sec. 128. 2003 1st sp.s. c 25 s 146 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account--State Appropriation \$4,609,000

The appropriation in this section is subject to the following conditions and limitations: During fiscal year 2005, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

Sec. 129. 2003 1st sp.s. c 25 s 147 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2004) \$1,454,000

General Fund--State Appropriation (FY 2005) \$1,455,000

Liquor Control Board Construction and Maintenance Account--State Appropriation \$5,717,000

Liquor Revolving Account--State Appropriation (~~(\$133,842,000)~~)

\$135,303,000

TOTAL APPROPRIATION (~~(\$142,468,000)~~)

\$143,929,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with ~~(the completion of)~~ the merchandising business system, with priority placed on the point-of-sale component of the system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.

(2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with ~~(purchasing merchandise business system software and hardware related items, and hiring system related staff)~~ the merchandising business system solution, with priority placed on the point-of-sale component of the system. These costs include hiring system-related staff and procuring system-related hardware and software.

(3) As required under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than September 1, 2003. The intent of this surcharge is to raise \$14,000,000 in additional revenue for the 2003-05 biennium. To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge. The board shall remove the surcharge once it generates \$14,000,000, but no later than June 30, 2005.

(4) During the 2003-2005 fiscal biennium, the board may increase the fee for the certificate of approval in excess of the fiscal growth factor under RCW 43.135.055 if the increase is necessary to fully fund the costs of administering the certificate of approval program under Substitute Senate Bill No. 6655, as amended. If the bill is not enacted by June 30, 2004, this subsection is null and void.

(5) \$385,000 of the liquor revolving account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6655 (beer/wine manufacturers). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 130. 2003 1st sp.s. c 25 s 148 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State Appropriation (~~(\$25,872,000)~~)

\$26,458,000

Pipeline Safety Account--State Appropriation \$2,768,000

Pipeline Safety Account--Federal Appropriation \$1,041,000

TOTAL APPROPRIATION (~~(\$29,681,000)~~)

\$30,267,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall report back to the appropriate policy committees of the legislature by July 1st of 2003 and 2004 a list of authorized out-of-state travel for the preceding calendar year.

~~((3))~~ (2) \$135,000 of the public services revolving account appropriation and \$15,000 of the pipeline safety account--state appropriation are provided solely for the implementation of the commission's financial systems project. If final approval for the project is not granted by the office of financial management, the amounts provided in this subsection shall lapse.

~~((4)) \$200,000 of the public services revolving account appropriation is provided solely for an interagency transfer to the joint legislative audit and review committee for the implementation of Substitute House Bill No. 1013 (UTC performance audit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.~~)

Sec. 131. 2003 1st sp.s. c 25 s 150 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2004) ((\$8,486,000))	<u>\$8,578,000</u>
General Fund--State Appropriation (FY 2005) ((\$8,223,000))	<u>\$8,466,000</u>
General Fund--Federal Appropriation ((\$72,094,000))	<u>\$143,243,000</u>
General Fund--Private/Local Appropriation \$371,000	
Enhanced 911 Account--State Appropriation \$33,955,000	
Disaster Response Account--State Appropriation ((\$190,000))	<u>\$3,387,000</u>
<u>Disaster Response Account--Federal Appropriation \$7,857,000</u>	
<u>Worker and Community Right to Know Fund--State Appropriation \$290,000</u>	
<u>Nisqually Earthquake Account--State Appropriation ((\$13,128,000))</u>	<u>\$17,869,000</u>
Nisqually Earthquake Account--Federal Appropriation ((\$48,725,000))	<u>\$62,103,000</u>
TOTAL APPROPRIATION ((\$185,462,000))	<u>\$286,119,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$190,000 of the disaster response account--state appropriation is provided solely to develop and implement a disaster grant management system. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(2) (~~(\$10,128,000)~~) \$14,869,000 of the Nisqually earthquake account--state appropriation and (~~(\$48,725,000)~~) \$62,103,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(3) \$3,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2004, \$200,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$43,555,000)~~) \$105,952,000 of the general fund--federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund--federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

(b) \$200,000 of the general fund--state appropriation for fiscal year 2004, ~~\$200,000 of the general fund--state appropriation for fiscal year 2005~~, and ~~((~~\$200,000~~))~~ \$2,713,000 of the general fund--federal appropriation to the department to conduct the terrorism consequence management program;

(c) \$100,000 of the general fund--federal appropriation to the department to conduct a critical infrastructure assessment;

(d) ~~((~~\$500,000~~))~~ \$674,000 of the general fund--federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;

(e) \$1,384,000 of the general fund--federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;

(f) ~~((~~\$29,917,000~~))~~ \$89,677,000 of the general fund--federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;

(g) The remaining general fund--federal appropriation may be expended according to federal requirements;

(h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;

(i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

Sec. 132. 2003 1st sp.s. c 25 s 151 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2004) \$2,362,000

General Fund--State Appropriation (FY 2005) ~~((~~\$2,436,000~~))~~

\$2,437,000

Department of Personnel Service Account--State Appropriation \$2,542,000

TOTAL APPROPRIATION ~~((~~\$7,340,000~~))~~

\$7,341,000

The appropriations in this section are subject to the following conditions and limitations: ~~((~~\$40,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.~~))~~ \$41,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute House Bill No. 2295 or Second Engrossed Substitute Senate Bill No. 5012 (charter schools). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.(End of part)

**PART II
HUMAN SERVICES**

Sec. 201. 2003 1st sp.s. c 25 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. DEPARTMENT OF SOCIAL AND HEALTH SERVICES (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this

subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2004, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2004 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2004 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this subsection.

(4) ~~((The department))~~ After consultation and coordination with local elected officials and community groups to assure there will be no degradation in existing services as a result of implementing the Washington medicaid integration project, the department shall report its progress to the appropriate committees of the legislature during the 2004 September committee assembly days and is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2003-05 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

Sec. 202. 2003 1st sp.s. c 25 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) ((\$231,566,000))	<u>\$219,291,000</u>
General Fund--State Appropriation (FY 2005) ((\$232,468,000))	<u>\$229,924,000</u>
General Fund--Federal Appropriation ((\$416,043,000))	<u>\$422,870,000</u>
General Fund--Private/Local Appropriation \$400,000	
Public Safety and Education Account--State Appropriation ((\$23,920,000))	<u>\$21,488,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation ((\$5,640,000))	<u>\$1,488,000</u>
TOTAL APPROPRIATION ((\$910,037,000))	<u>\$895,461,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the fiscal year 2004 general fund--state appropriation, \$2,271,000 of the fiscal year 2005 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state fiscal year 2004 appropriation and \$701,000 of the general fund--state fiscal year 2005 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state fiscal year 2004 appropriation, \$375,000 of the general fund--state fiscal year 2005 appropriation, and \$322,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(6) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(7) \$50,000 of the fiscal year 2004 general fund--state appropriation and \$50,000 of the fiscal year 2005 general fund--state appropriation are provided solely for a street youth program in Spokane.

(8) \$2,000,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to increase shelter and other services for victims of domestic violence, including \$65,000 for domestic violence shelter operating costs in Shelton.

(9) \$1,773,000 of the general fund--state appropriation for fiscal year 2005 and \$531,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6642 (case conferences), CAMIS user interface improvements, and family team decision meetings, as part of the department's program improvement plan implementation.

(10) The department shall convene regional and local department staff and community-based agency staff to develop recommended policies and protocols concerning collaborative decision making, including contracting, referrals, and resource allocation. The department shall submit these recommendations to the governor and the appropriate committees of the legislature by December 1, 2004.

Sec. 203. 2003 1st sp.s. c 25 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004) ((\$74,095,000))	<u>\$72,362,000</u>
General Fund--State Appropriation (FY 2005) ((\$72,697,000))	<u>\$70,565,000</u>
General Fund--Federal Appropriation ((\$12,062,000))	<u>\$6,260,000</u>
General Fund--Private/Local Appropriation \$1,098,000	
Juvenile Accountability Incentive Account--Federal Appropriation ((\$9,139,000))	<u>\$7,300,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation ((\$37,338,000))	<u>\$37,699,000</u>
TOTAL APPROPRIATION ((\$206,429,000))	<u>\$195,284,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$695,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,065,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,204,000 of the general fund--state appropriation for fiscal year 2004, \$1,204,000 of the general fund--state appropriation for fiscal year 2005, and \$5,262,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for

community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,544,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

~~(5) (\$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.~~

~~(6))~~ \$16,000 of the general fund--state appropriation for fiscal year 2004 and \$16,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

~~((8))~~ (6) \$16,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program ~~((implemented pursuant to subsection (7) of this section)).~~

~~((9) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.~~

~~((11))~~ (7) For the purposes of a pilot project recommended by the family policy council, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration and the family policy council;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate control group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide an initial process evaluation to the juvenile rehabilitation administration and the family policy council by January 30, 2004, and an intermediate evaluation by December 31, 2004. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

~~((13) \$308,000))~~ (8) \$158,000 of the general fund--state appropriation for fiscal year 2004 and ~~((875,000))~~ \$580,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

~~((14))~~ (9) \$1,416,000 of the general fund--state appropriation for fiscal year 2004 and \$1,417,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for additional research-based services to the juvenile parole population, including quality control efforts to ensure appropriate implementation of research-based services. The juvenile rehabilitation administration shall consult with the Washington state institute for public policy in deciding which interventions to provide to the parole population and appropriate levels of quality control. Of the total general fund--state appropriation for fiscal year 2004, up to \$55,000 may be used for additional suicide precaution training for staff.

Sec. 204. 2003 1st sp.s. c 25 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2004) ~~((209,818,000))~~

\$200,251,000

General Fund--State Appropriation (FY 2005) ~~((211,317,000))~~

\$214,010,000

General Fund--Federal Appropriation ((\$384,801,000))	<u>\$405,549,000</u>
General Fund--Local Appropriation \$1,970,000	
TOTAL APPROPRIATION ((\$807,906,000))	<u>\$821,780,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program that will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund--state appropriation for fiscal year 2004, \$4,222,000 of the general fund--state appropriation for fiscal year 2005, and \$8,444,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and have been discharged from a state psychiatric hospital. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse division and from the aging and disability services administration. The department shall continue performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

~~((f))~~ (e) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

~~((g))~~ (f) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2004 and 2005 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceed the amounts allocated to it in fiscal year 2003.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) ((\$94,196,000))	<u>\$86,607,000</u>
General Fund--State Appropriation (FY 2005) ((\$92,964,000))	<u>\$87,592,000</u>
General Fund--Federal Appropriation ((\$134,755,000))	<u>\$146,945,000</u>
General Fund--Private/Local Appropriation ((\$26,342,000))	<u>\$29,063,000</u>
TOTAL APPROPRIATION ((\$348,257,000))	<u>\$350,207,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) ~~\$124,000 of the general fund--state appropriation for fiscal year 2005, \$19,000 of the general fund--private/local appropriation, and \$17,000 of the general fund--federal appropriation are provided solely for implementation of Senate Bill No. 6358 (treatment orders). If Senate Bill No. 6358 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.~~

(d) During the 2003-05 biennium, the department may not reduce the number of inpatient psychiatric hospital beds in the state hospitals below existing levels of 642 at Western State Hospital and 191 at Eastern State Hospital, until such time as there are available community resources, especially inpatient facilities, at an average cost equal to or less than the respective hospital's daily rate and the reduction receives legislative approval. In addition, residential beds in the program for adaptive living skills at Western State Hospital may be closed only if the department provides sufficient resources for these patients' mental health care to the communities in which they are placed.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2004) (~~(\$28,695,000)~~)

\$29,194,000

General Fund--State Appropriation (FY 2005) (~~(\$32,081,000)~~)

\$34,400,000

TOTAL APPROPRIATION (~~(\$60,776,000)~~)

\$63,594,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~(a) ((\$1,381,000 of the general fund--state appropriation for fiscal year 2004 and \$2,090,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.~~

~~(b)) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for public safety mitigation funding for jurisdictions affected by the placement of ((less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed)) the secure community transition facility on McNeil Island. Of this amount, \$45,000 per year shall be provided to the city of Lakewood on September 1, 2003, and September 1, 2004, for police protection ((reimbursement)) services provided by the city at Western State Hospital and adjacent areas((; up to \$45,000 per year shall be provided on September 1, 2003, and September 1, 2004, for training police personnel under chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151); up to \$125,000 per year shall be provided to Pierce county on September 1, 2003, and September 1, 2004, for reimbursement of additional costs; and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs)). Of the remaining \$255,000 per year, the department shall reimburse the affected jurisdictions for their documented costs that have been negotiated in an interagency agreement between the department and each jurisdiction, as follows:~~

~~(i) Up to \$125,000 per year shall be provided to Pierce county for its additional public safety costs as defined in RCW 71.09.344(2).~~

~~(ii) Up to \$45,000 per year shall be provided to affected jurisdictions other than Pierce county for the costs of training their law enforcement and administrative personnel as defined in RCW 71.09.344(2)(a).~~

~~(iii) The remaining amounts are for affected jurisdictions other than Pierce county for reimbursement of their documented public safety costs as defined in RCW 71.09.344(2) (b), (c), and (d).~~

~~((c) \$924,000 of the general fund--state appropriation for fiscal year 2004 and \$1,429,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility located outside of Pierce county. In selecting a site, the department is encouraged to purchase or lease a site in an industrial area close to employment opportunities and treatment services, in an effort to reduce operating expenditures related to transportation and staff time.))~~

~~(b) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$354,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mitigation costs associated with the development and occupancy of the secure community transition facility in Seattle, as described in the settlement agreement dated February 3, 2004, between the department and the city of Seattle. If *City of Seattle v. DSHS*, King County Superior Court Cause No. 03-2-37882-SEA is not dismissed with prejudice by July 1, 2004, this appropriation shall lapse. If the proceeding requested by the city under RCW 71.09.342(5) is not withdrawn or dismissed with prejudice by July 1, 2004, this appropriation shall lapse.~~

~~(c) \$1,212,000 of the general fund--state appropriation for fiscal year 2004 and \$1,260,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal fees charged to the special commitment program, including increased hourly rates.~~

(4) SPECIAL PROJECTS
General Fund--Federal Appropriation \$2,082,000

(5) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2004) ((\$2,863,000))	\$3,124,000
General Fund--State Appropriation (FY 2005) ((\$2,751,000))	\$3,208,000
General Fund--Federal Appropriation ((\$5,011,000))	\$5,918,000
TOTAL APPROPRIATION ((\$10,625,000))	\$12,250,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2004, \$125,000 of the general fund--state appropriation for fiscal year 2005, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

(c) \$53,000 of the general fund--state appropriation and \$47,000 of the general fund--federal appropriation for fiscal year 2005 are provided solely for development of a plan for maintaining and increasing the number of beds available for treatment of persons experiencing acute psychiatric emergencies. The plan is to provide an estimate of the number of state hospital and community acute care beds needed in different areas of the state, and to estimate the construction and operating cost of meeting that need under alternative operating arrangements.

Sec. 205. 2003 1st sp.s. c 25 s 205 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES	
General Fund--State Appropriation (FY 2004) ((\$262,458,000))	\$250,633,000
General Fund--State Appropriation (FY 2005) ((\$268,826,000))	\$274,414,000
General Fund--Federal Appropriation ((\$439,489,000))	\$453,434,000
Health Services Account--State Appropriation ((\$1,038,000))	\$971,000
TOTAL APPROPRIATION ((\$971,811,000))	\$979,452,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Any new funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The health services account appropriation and (~~(\$1,038,000)~~) \$971,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more.

(i) Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan.

(ii) Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits. Premium payments made to home care agencies shall be limited to home care workers who are employed at least twenty hours per week to serve state-funded clients. It is

the intent of the legislature to fund the purchase of health care benefits for agency home care providers in a more fiscally prudent manner. The legislature encourages agency providers to purchase more cost-effective health care benefits, including increasing participation in the basic health plan or purchasing substantially equivalent benefits with substantially equivalent costs.

(c) (~~(\$510,000)~~) \$562,000 of the general fund--state appropriation for fiscal year 2004, (~~(\$784,000)~~) \$1,767,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$1,225,000)~~) \$2,266,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (~~and~~) (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(d) (~~(\$511,000)~~) \$563,000 of the general fund--state appropriation for fiscal year 2004, (~~(\$616,000)~~) \$1,390,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$1,073,000)~~) \$1,905,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues (~~or are diverted or discharged from state psychiatric hospitals~~). Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) The department shall provide a status report on the transition, implementation, and operation of the four home and community-based waivers that will replace the community alternatives program waiver. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter for the quarters through December 2004, the following information for each home and community-based waiver: Total projected state and federal fiscal year expenditures, year-to-date actual expenditures compared to projected expenditures, year-to-date unduplicated clients compared to projected clients, actual average per capita costs compared to projected per capita costs, number of transfers between waivers, amount of emergency funds spent to date compared to projected emergency costs, state and federal funds transferred from the medicaid personal care program to the four home and community-based waiver programs, and the year-to-date number of new clients added to a waiver program.

(f) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(~~(f)~~) (~~(\$3,290,000)~~) (g) \$3,202,000 of the general fund--state appropriation for fiscal year 2004, (~~(\$4,773,000)~~) \$4,472,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$7,504,000)~~) \$7,633,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(~~(g)~~) (~~(\$355,000)~~) (h) \$213,000 of the general fund--state appropriation for fiscal year 2004, (~~(\$517,000)~~) \$289,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$848,000)~~) \$500,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase (~~wages~~) compensation for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(i) \$1,000,000 of the general fund--state appropriation for fiscal year 2005 and \$300,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided proportionately between waiver and nonwaiver clients. Federal funds may be used to enhance this funding only to the extent that a client is already on a home and community-based waiver. This funding shall not be used to add new clients to a home and community-based waiver.

(j) \$312,000 of the general fund--state appropriation for fiscal year 2005 and \$290,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$14.27 per hour to \$14.93 per hour, effective October 1, 2004. The amounts in this subsection shall be used to increase compensation for direct care workers by 50 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2004) ((\$71,862,000))	<u>\$67,708,000</u>
General Fund--State Appropriation (FY 2005) ((\$70,926,000))	<u>\$70,794,000</u>
General Fund--Federal Appropriation ((\$144,682,000))	<u>\$148,998,000</u>
General Fund--Private/Local Appropriation \$11,228,000	
TOTAL APPROPRIATION ((\$298,698,000))	<u>\$298,728,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that more residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2004) ((\$2,245,000))	<u>\$2,474,000</u>
General Fund--State Appropriation (FY 2005) ((\$2,245,000))	<u>\$3,208,000</u>
General Fund--Federal Appropriation ((\$2,965,000))	<u>\$4,209,000</u>
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation ((\$1,782,000))	<u>\$891,000</u>
TOTAL APPROPRIATION ((\$9,237,000))	<u>\$10,782,000</u>

The appropriation in this subsection is subject to the following conditions and limitations: \$245,000 of the general fund--state appropriation for fiscal year 2004, \$996,000 of the general fund--state appropriation for fiscal year 2005, and \$1,258,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities who are clients of the department and shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS	
General Fund--Federal Appropriation ((\$11,993,000))	<u>\$13,604,000</u>

Sec. 206. 2003 1st sp.s. c 25 s 206 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) ((\$557,645,000))	<u>\$523,896,000</u>
General Fund--State Appropriation (FY 2005) ((\$570,669,000))	<u>\$578,270,000</u>
General Fund--Federal Appropriation ((\$1,162,511,000))	

General Fund--Private/Local Appropriation \$18,644,000
Health Services Account--State Appropriation \$4,888,000
TOTAL APPROPRIATION (~~(\$2,314,357,000)~~)

\$1,187,250,000

\$2,312,948,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund--state appropriation for fiscal year 2004, (~~(\$1,476,000)~~) \$1,043,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$7,284,000)~~) \$6,851,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week.

(a) Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level.

(b) Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits. Premium payments made to home care agencies shall be limited to home care workers who are employed at least twenty hours per week to serve state-funded clients. It is the intent of the legislature to fund the purchase of health care benefits for agency home care providers in a more fiscally prudent manner. The legislature encourages agency providers to purchase more cost-effective health care benefits, including increasing participation in the basic health plan or purchasing substantially equivalent benefits with substantially equivalent costs.

(2) \$1,768,000 of the general fund--state appropriation for fiscal year 2004 and \$1,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than (~~(\$144.54)~~) \$142.04 for fiscal year 2004, and no more than (~~(\$147.43)~~) \$148.11 for fiscal year 2005. For all facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.0 percent effective July 1, 2003, and by an additional 2.4 percent effective July 1, 2004.

(4) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) In accordance with chapter 74.39 RCW, the department may implement ((a)) two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) ((The)) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons (~~(by the end of fiscal year 2004, nor 600 persons by the end of fiscal year 2005)~~) at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

((e)) (d) The department shall track and electronically report to health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waivers, how those services were being paid for, and an assessment of their adequacy.

(e) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(7) \$118,000 of the general fund--state appropriation for fiscal year 2004, \$118,000 of the general fund--state appropriation for fiscal year 2005, and \$236,000 of the general fund--federal appropriation are provided solely for the department to assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

(8) Within funds appropriated in this section, the department may ~~((assess nursing facility residents with Alzheimer's disease or related dementias to determine whether such residents can be more appropriately served in licensed boarding home facilities that specialize in caring for such conditions. The department may, based upon the assessments and within existing funds, pay dementia pilot project rates on behalf of))~~ expand the number of boarding home beds participating in the dementia pilot project by up to 200. These additional beds shall provide persons with Alzheimer's disease or related dementias who ~~((move from nursing facilities to specialized boarding homes))~~ might otherwise require nursing home care accommodation in licensed boarding home facilities that specialize in caring for such conditions.

(9) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(10) ~~(($\$7,102,000$))~~ $\$6,418,000$ of the general fund--state appropriation for fiscal year 2004, ~~(($\$10,065,000$))~~ $\$8,620,000$ of the general fund--state appropriation for fiscal year 2005, and ~~(($\$17,029,000$))~~ $\$15,038,000$ of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(11) ~~(($\$2,219,000$))~~ $\$2,294,000$ of the general fund--state appropriation for fiscal year 2004, ~~(($\$3,192,000$))~~ $\$3,266,000$ of the general fund--state appropriation for fiscal year 2005, and ~~(($\$5,263,000$))~~ $\$5,560,000$ of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase ~~((wages))~~ compensation for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(12) $\$1,952,000$ of the general fund--state appropriation for fiscal year 2005 and $\$1,941,000$ of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$14.27 per hour to \$14.93 per hour, effective October 1, 2004. The amounts in this subsection shall be used to increase compensation for direct care workers by 50 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(13) $\$500,000$ of the general fund--state appropriation for fiscal year 2005 is provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services for grandparents and other formal and informal kinship caregivers of children throughout the state.

(a) Support services shall include but not be limited to assistance in gaining access to those services, counseling, organization of support groups, and respite care.

(b) In providing support services under the kinship caregivers support program, area agencies on aging shall give priority to kinship caregivers who are at the greatest risk of being unable to maintain the caregiving role.

(c) In carrying out the kinship caregivers support program, each area agency on aging shall coordinate the activities of the agency, or entities with which the agency contracts, with the activities of other public and private agencies or organizations providing similar services for kinship caregivers.

Sec. 207. 2003 1st sp.s. c 25 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) (($\\$408,184,000$))	<u>$\\$445,968,000$</u>
General Fund--State Appropriation (FY 2005) (($\\$407,363,000$))	<u>$\\$437,720,000$</u>
General Fund--Federal Appropriation (($\\$1,209,758,000$))	<u>$\\$1,208,746,000$</u>
General Fund--Private/Local Appropriation (($\\$33,880,000$))	<u>$\\$33,891,000$</u>
TOTAL APPROPRIATION (($\\$2,059,185,000$))	<u>$\\$2,126,325,000$</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) $\$273,652,000$ of the general fund--state appropriation for fiscal year 2004, $\$273,695,000$ of the general fund--state appropriation for fiscal year 2005, and $\$1,000,222,000$ of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(b) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels; and

~~((c) Include an urban adjustment factor for child care providers in urban areas of region 1.))~~

(2) ~~(((\$45,639,000))~~ \$57,547,000 of the general fund--state appropriation for fiscal year 2004 and ~~(((\$39,335,000))~~ \$59,953,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) ~~(((\$1,436,000))~~ \$936,000 of the general fund--state appropriation for fiscal year 2004 and ~~(((\$1,436,000))~~ \$936,000 of the general fund--state appropriation for fiscal year 2005 are provided for the department to assist in naturalization efforts for legal aliens whose eligibility for federal supplemental security income has expired. The department shall use funding previously spent on general assistance employment supports for these naturalization services.

(4) \$3,940,000 of the general fund--state appropriation for fiscal year 2004 and \$3,940,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(5) \$9,142,000 of the general fund--federal appropriation is provided solely for increased reimbursement of county legal-clerk services for child support enforcement. The department shall ensure this increase in cost does not reduce federal incentive payments.

(6) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the department to maintain specialized employment services through the WorkFirst/LEP pathway program for refugees and other limited-English-proficient (LEP) families and individuals that receive temporary assistance for needy families, state family assistance, or refugee cash assistance benefits. These employment services include but are not limited to English as a second language (ESL), job placement assistance, and work support services.

(8) \$96,000 of the general fund--state appropriation for fiscal year 2005, \$16,000 of the general fund--federal appropriation, and \$11,000 of the general fund--local appropriation are provided solely for the implementation of Engrossed Senate Bill No. 6411 (reducing hunger), including section 2 of the act. If the bill is not enacted by June 30, 2004, the amounts provided in this section shall lapse.

(9) \$500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a subsidy rate increase for child care providers in urban areas of region 1.

Sec. 208. 2003 1st sp.s. c 25 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2004) (((\$40,320,000))	<u>\$39,979,000</u>
General Fund--State Appropriation (FY 2005) (((\$40,320,000))	<u>\$41,201,000</u>
General Fund--Federal Appropriation (((\$90,632,000))	<u>\$94,105,000</u>
General Fund--Private/Local Appropriation \$630,000	
Public Safety and Education Account--State Appropriation (((\$7,160,000))	<u>\$2,060,000</u>
Criminal Justice Treatment Account--State Appropriation \$8,950,000	
Violence Reduction and Drug Enforcement Account--State Appropriation (((\$44,342,000))	<u>\$49,142,000</u>
<u>Problem Gambling Treatment Account--State Appropriation \$500,000</u>	
<u>TOTAL APPROPRIATION (((\$232,354,000))</u>	<u>\$236,567,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$966,197 of the general fund--state appropriation for fiscal year 2004 and \$966,197 of the general fund-- state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers in Spokane and Yakima for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2005 is provided for the Washington state mentoring partnership.

(3) \$500,000 of the problem gambling treatment account appropriation is provided solely to implement Second Substitute House Bill No. 2776 (problem gambling). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 209. 2003 1st sp.s. c 25 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2004) ((\$1,184,774,000))	<u>\$1,119,073,000</u>
General Fund--State Appropriation (FY 2005) ((\$1,265,423,000))	<u>\$1,248,580,000</u>
General Fund--Federal Appropriation ((\$3,764,258,000))	<u>\$3,892,248,000</u>
General Fund--Private/Local Appropriation ((\$262,736,000))	<u>\$278,296,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation ((\$23,700,000))	<u>\$14,004,000</u>
Health Services Account--State Appropriation ((\$756,012,000))	<u>\$708,854,000</u>
TOTAL APPROPRIATION ((\$7,256,903,000))	<u>\$7,261,055,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) (~~(\$999,000)~~) \$493,000 of the health services account appropriation for fiscal year 2004, (~~(\$1,519,000)~~) \$748,000 of the health services account appropriation for fiscal year 2005, and (~~(\$2,142,000)~~) \$1,241,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds; and

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions.

(5) Sufficient funds are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(6) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 75 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.

(7) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(8) In accordance with RCW 74.46.625, ~~((52,057,000))~~ \$35,953,000 of the fiscal year 2004 health services account appropriation, ~~((35,016,000))~~ \$20,577,000 of the fiscal year 2005 health services account appropriation, and ~~((87,074,000))~~ \$61,037,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least ~~((94.5))~~ 91.9 percent of the supplemental payments; (b) a contractual commitment by the association of public hospital districts to return at least ~~((5.5))~~ 8.1 percent of the supplemental payments to the participating rural hospital districts; and (c) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate setting. A hospital which does not participate in the supplemental payment intergovernmental transfer budgeted for fiscal year 2003 shall not be eligible to participate in the supplemental payments budgeted in this subsection for fiscal year() 2004 (~~and 2005~~). The participating districts shall retain no more than a total of \$9,600,000 for the 2003-05 biennium.

(9) ~~((14,616,000))~~ \$12,318,000 of the health services account appropriation for fiscal year 2004, ~~((12,394,000))~~ \$10,738,000 of the health services account appropriation for fiscal year 2005, and ~~((27,010,000))~~ \$23,056,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts and to the state's teaching hospitals. The payments shall be conditioned upon a contractual commitment by the participating public hospitals to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. The state's teaching hospitals shall retain at least 28 percent of the amounts retained by hospitals under these programs, or the maximum allowable under the teaching hospitals' limits as established under federal rule, whichever is less.

(10) ~~((3,100,000))~~ \$3,178,000 of the health services account appropriation, ~~((8,416,000))~~ \$4,208,000 of the general fund--local appropriation, and ~~((11,516,000))~~ \$7,308,000 of the general fund--federal appropriation are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(11) ~~((26,080,000))~~ \$36,002,000 of the health services account appropriation and \$26,080,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

~~((13))~~ \$156,000 (12) \$302,000 of the general fund--state appropriation for fiscal year 2004, \$1,671,000 of the general fund--state appropriation for fiscal year 2005, and ~~((1,403,000))~~ \$17,757,000 of the general fund--federal appropriation are provided solely for ~~((a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches))~~ development and implementation of a replacement system for the existing medicaid management information system. The medicaid management information system replacement project shall comply with section 902, chapter 25, Laws of 2003 1st sp. sess.

~~((14))~~ (13) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

~~((15))~~ (14) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network. The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

~~((16))~~ (15) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

~~((17))~~ (16) The department shall include in any pending medicaid reform section 1115 waiver application, or in any existing section 1115 waiver, a request for authorization to provide optional medicaid services that have been eliminated in this act to American Indian and Alaska Native persons as defined in relevant

federal law who are eligible for medicaid only to the extent that such services are provided through the American Indian health system and are financed with one hundred percent federal medicaid matching funds.

~~((18))~~ (17) The department shall establish managed care rates within available funds (~~(, giving specific consideration to each plan's programmatic and financial performance, and ability to assure access in under-served areas)~~), in a manner that promotes health plan efficiency, encourages continuity of service, and assures access in underserved areas.

~~((19))~~ (18) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

~~((20))~~ (19) The department shall secure a federal waiver, effective no later than September 1, 2003, which will enable it to charge co-premiums for medical and dental coverage of children whose family incomes exceed the federal poverty level.

~~((21))~~ (20) For purposes of RCW 74.09.800(2), ~~((9,549,000))~~ \$8,017,000 of the general fund--state appropriation for fiscal year 2004, ~~((10,779,000))~~ \$8,454,000 of the general fund--state appropriation for fiscal year 2005, and ~~((37,753,000))~~ \$30,588,000 of the general fund--federal appropriation are provided solely to provide prenatal care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act. If the department is unable to secure federal matching funds under Title XXI of the social security act, the department shall take all actions necessary to manage the program within these appropriated levels.

(21) \$13,588,000 of the health services account appropriation for fiscal year 2004, \$11,008,000 of the health services account appropriation for fiscal year 2005, and \$24,595,000 of the general fund--federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. The payments shall be conditioned upon a contractual commitment by the participating hospital districts to make an intergovernmental transfer to the health services account equal to at least 86.5 percent of the additional disproportionate share payment. The participating districts shall retain no more than \$6,607,000 of the total additional amount paid.

(22) \$10,000,000 of the general fund--federal and \$10,000,000 of the general fund--local funds are provided solely to increase payments in the inpatient upper payment limit program for the state's teaching hospitals. Payments shall be made to the extent allowable under federal medicaid rule and law. The department shall work with the teaching hospitals to identify allowable sources of funding for the required match and to assure that the teaching hospitals are responsible for repayment of any disallowed federal matching funds.

Sec. 210. 2003 1st sp.s. c 25 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004) ((10,180,000))	<u>\$10,172,000</u>
General Fund--State Appropriation (FY 2005) ((10,202,000))	<u>\$10,191,000</u>
General Fund--Federal Appropriation ((85,803,000))	<u>\$85,804,000</u>
General Fund--Local Appropriation \$440,000	
Telecommunications Devices for the Hearing and Speech Impaired Account--State Appropriation \$891,000	
TOTAL APPROPRIATION ((106,625,000))	<u>\$107,498,000</u>

Sec. 211. 2003 1st sp.s. c 25 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) ((35,926,000))	<u>\$37,620,000</u>
General Fund--State Appropriation (FY 2005) ((25,968,000))	<u>\$29,382,000</u>
General Fund--Federal Appropriation ((45,752,000))	<u>\$52,580,000</u>
General Fund--Private/Local Appropriation \$810,000	
Public Safety and Education Account--State Appropriation \$2,444,000	
Violence Reduction and Drug Enforcement Account--State Appropriation \$4,152,000	
TOTAL APPROPRIATION ((108,456,000))	<u>\$126,988,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund--state appropriation for fiscal year 2004, \$769,000 of the general fund--state appropriation for fiscal year 2005, and \$1,236,000 of the general fund--federal appropriation are provided solely for transition costs associated with the downsizing effort at Fircrest school. The department shall organize the downsizing effort so as to minimize disruption to clients, employees, and the developmental disabilities program. The employees responsible for the downsizing effort shall report to the assistant secretary of the aging and disability services administration. Within the funds provided in this subsection, the department shall:

- (a) Determine appropriate ways to maximize federal reimbursement during the downsizing process;
- (b) Meet and confer with representatives of affected employees on how to assist employees who need help to relocate to other state jobs or to transition to private sector positions;
- (c) Review opportunities for state employees to continue caring for clients by assisting them in developing privately operated community residential alternatives. In conducting the review, the department will examine efforts in this area pursued by other states as part of institutional downsizing efforts;
- (d) Keep appropriate committees of the legislature apprised, through regular reports and periodic e-mail updates, of the development of and revisions to the work plan regarding this downsizing effort; and
- (e) Provide a preliminary transition plan to the fiscal and policy committees of the legislature by January 1, 2004. The transition plan shall include recommendations on ways to continue to provide some of the licensed professional services offered at Fircrest school to clients being served in community settings.

(2) \$10,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department shall transfer appropriate portions of this amount to other programs within the agency to accomplish this purpose. The department shall not initiate new services with this funding that will cause total future SSP expenditures to exceed the required annual maintenance-of-effort level.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(4) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

Sec. 212. 2003 1st sp.s. c 25 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2004) ((\$42,011,000))	\$43,454,000
General Fund--State Appropriation (FY 2005) ((\$42,011,000))	\$43,493,000
General Fund--Federal Appropriation ((\$41,994,000))	\$43,321,000
TOTAL APPROPRIATION ((\$126,016,000))	<u>\$130,268,000</u>

Sec. 213. 2003 1st sp.s. c 25 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

State Health Care Authority Administrative Account--State Appropriation ((\$17,665,000))	\$18,942,000
Health Services Account--State Appropriation ((\$415,459,000))	\$417,890,000
General Fund--Federal Appropriation ((\$3,307,000))	\$3,875,000
Medical Aid Account--State Appropriation ((\$128,000))	\$213,000
TOTAL APPROPRIATION ((\$436,559,000))	<u>\$440,920,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$6,000,000 of)~~) \$2,500,000 of the health services account--state appropriation is provided solely to increase funding for health care services provided through local community clinics.

(2) The health services account--state appropriation ((is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics)) contains funding to provide dental care at community clinics for persons who are not current medicaid recipients, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

~~((2))~~ (3) \$50,000 of the health services account--state appropriation is provided solely to support the operation of an innovative clinic model for the delivery of health services to uninsured or publicly insured persons that is located in an urban underserved area and operated as a department or subsidiary of a hospital located in that underserved area; has been in operation for fewer than six months as of the effective date of this act; utilizes an innovative service delivery model that relies upon midlevel practitioners, volunteers, and students enrolled in health education programs and offers group visits for common conditions; and has a sliding fee schedule that assumes that every patient of the clinic will make some contribution towards the cost of his or her care.

(4) In order to maximize the number of enrollees who can be supported within appropriated amounts, the health care authority is directed to make modifications that will reduce the actuarial value of the basic health plan benefit by approximately 18 percent effective January 1, 2004. Modifications may include changes in enrollee premium obligations, enrollee cost-sharing, benefits, and incentives to access preventative services. To the extent that additional actions are needed in order to operate within appropriated funds, new enrollments to the program shall be limited in a manner consistent with the authority's September 6, 2001, administrative policy on basic health plan enrollment management.

~~((3))~~ (5) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty- five percent of the federal poverty level.

~~((4))~~ (6) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

~~((5))~~ (7) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~((6))~~ (8) To decrease administrative burdens for providers and plans participating in state purchased health care programs, the administrator, the assistant secretary for the medical assistance administration of the department of social and health services, and the director of the department of labor and industries, in collaboration with health carriers, health care providers, and the office of the insurance commissioner shall, within available resources:

(a) Improve the timeliness of claims processing and the distribution of medical assistance program fee schedules, and more clearly define the scope of coverage under managed care contracts;

(b) Improve the capacity for electronic billing and claims submission and provide electronic access to eligibility, benefits, and exclusion information;

(c) Develop clear audit and data requirements for contracting managed health care plans and improve consistency between claims processing and published fee schedules;

(d) Conform billing codes with providers and between agencies with national and regional standards wherever possible; and

(e) Take steps to implement cost-effective measures pursuant to this section by December 2004, and on or before December 1, 2003, provide a progress report to the relevant policy and fiscal committees of the legislature on the feasibility of implementation and any fiscal constraints or regulatory or statutory barriers.

Sec. 214. 2003 1st sp.s. c 25 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2004) \$5,863,000

General Fund--State Appropriation (FY 2005) (~~(\$5,860,000)~~)

\$6,145,000

Public Safety and Education Account--State Appropriation \$22,391,000

Public Safety and Education Account--Federal Appropriation \$8,462,000

Asbestos Account--State Appropriation (~~(\$693,000)~~)

\$717,000

Electrical License Account--State Appropriation (~~(\$28,966,000)~~)

\$29,589,000

Farm Labor Revolving Account--Private/Local Appropriation \$28,000

Worker and Community Right-to-Know Account--State Appropriation ((\$2,544,000))	<u>\$2,557,000</u>
Public Works Administration Account--State Appropriation ((\$2,411,000))	<u>\$2,477,000</u>
Accident Account--State Appropriation ((\$187,843,000))	<u>\$188,181,000</u>
Accident Account--Federal Appropriation \$13,396,000	
Medical Aid Account--State Appropriation ((\$186,724,000))	<u>\$186,408,000</u>
Medical Aid Account--Federal Appropriation \$2,960,000	
Plumbing Certificate Account--State Appropriation ((\$1,451,000))	<u>\$1,490,000</u>
Pressure Systems Safety Account--State Appropriation ((\$2,807,000))	<u>\$2,878,000</u>
TOTAL APPROPRIATION ((\$472,399,000))	<u>\$473,542,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$90,000 of the electrical license account--state appropriation and \$206,000 of the plumbing certificate account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

~~((3) \$378,000)~~ (2) \$578,000 of the accident account--state appropriation is provided solely for the purpose of contracting with medical laboratories, health care providers, and other appropriate entities to provide cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides, and to collect and analyze data related to such monitoring.

(3) \$453,000 of the accident account--state appropriation is provided solely for the purpose of reimbursing agricultural employers for the costs of training, record-keeping, and travel related to cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides.

(4) The department shall report to the office of financial management and the appropriate fiscal and policy committees of the legislature detailed information regarding administrative staffing levels and services by October 1, 2004, and prior to implementing phase II of the indirect cost study.

(5) \$399,000 of the accident account--state appropriation and \$399,000 of the medical aid account--state appropriation are provided solely for the expansion of workers' compensation fraud investigation activities. The department shall report quarterly to the office of financial management and the appropriate policy and fiscal committees of the legislature regarding the cost effectiveness of fraud activities, including the total dollars expended compared to total dollars recovered.

Sec. 215. 2003 1st sp.s. c 25 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2004) ((\$1,527,000))	<u>\$1,531,000</u>
General Fund--State Appropriation (FY 2005) ((\$1,528,000))	<u>\$1,536,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$11,000	
TOTAL APPROPRIATION ((\$3,066,000))	<u>\$3,078,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2004) ((\$2,579,000))	<u>\$2,588,000</u>
General Fund--State Appropriation (FY 2005) ((\$2,579,000))	<u>\$2,596,000</u>
General Fund--Federal Appropriation \$309,000	
General Fund--Private/Local Appropriation \$1,668,000	
TOTAL APPROPRIATION ((\$7,135,000))	<u>\$7,161,000</u>

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) ((\$7,473,000))	<u>\$7,380,000</u>
General Fund--State Appropriation (FY 2005) ((\$5,890,000))	

General Fund--Federal Appropriation ((\$27,207,000))	\$6,020,000
General Fund--Private/Local Appropriation \$27,822,000	<u>\$27,365,000</u>
TOTAL APPROPRIATION ((\$68,392,000))	<u>\$68,587,000</u>

Sec. 216. 2003 1st sp.s. c 25 s 220 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2004) ((\$412,000))	<u>\$360,000</u>
General Fund--State Appropriation (FY 2005) ((\$259,000))	<u>\$471,000</u>
TOTAL APPROPRIATION ((\$671,000))	<u>\$831,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$150,000)~~) \$98,000 of the general fund--state appropriation for fiscal year 2004 (~~(is)~~) and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the design and development of ~~(the)~~ a home care provider referral registry (~~(mandated by Initiative Measure No. 775)~~) as provided in RCW 74.39A.250. The authority and the department of social and health services shall jointly report to the fiscal committees of the legislature by December 1, 2004, with options for operating the regional and local components of the registry through cooperative agreements with area agencies on aging and/or the department's home and community services offices. The options shall identify the costs and benefits associated with several alternative levels of ongoing operational funding, at least one of which shall be to operate the registry within current levels of state and federal funding for the regional and local offices.

(2) Pursuant to RCW 74.39A.300(1), the legislature (~~(rejects)~~) rejected the collective bargaining agreement entered into by the home care quality authority and the exclusive bargaining representative of individual providers on January 13, 2003, under chapter 74.39A RCW (Initiative Measure No. 775).

Sec. 217. 2003 1st sp.s. c 25 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2004) ((\$58,143,000))	<u>\$57,853,000</u>
General Fund--State Appropriation (FY 2005) ((\$60,224,000))	<u>\$60,346,000</u>
Health Services Account--State Appropriation ((\$34,289,000))	<u>\$36,989,000</u>
General Fund--Federal Appropriation ((\$348,897,000))	<u>\$392,762,000</u>
General Fund--Private/Local Appropriation \$93,601,000	
Hospital Commission Account--State Appropriation \$2,490,000	
Health Professions Account--State Appropriation ((\$40,097,000))	<u>\$40,285,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$12,558,000	
Safe Drinking Water Account--State Appropriation \$2,728,000	
Drinking Water Assistance Account--Federal Appropriation ((\$13,498,000))	<u>\$15,654,000</u>
Waterworks Operator Certification--State Appropriation ((\$633,000))	<u>\$1,053,000</u>
<u>Drinking Water Assistance Administrative Account--State Appropriation \$326,000</u>	
Water Quality Account--State Appropriation \$3,359,000	
Accident Account--State Appropriation \$258,000	
Medical Aid Account--State Appropriation \$46,000	
State Toxics Control Account--State Appropriation \$2,761,000	
Medical Test Site Licensure Account--State Appropriation \$1,718,000	
Youth Tobacco Prevention Account--State Appropriation \$1,806,000	
Tobacco Prevention and Control Account--State Appropriation \$52,510,000	
TOTAL APPROPRIATION ((\$729,616,000))	<u>\$779,103,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for health care assistants, commercial shellfish paralytic shellfish poisoning, commercial shellfish licenses, ~~(and)~~ newborn screening programs, psychiatrically impaired children and youth residential treatment, and in-home services in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$1,337,000 of the general fund--state fiscal year 2004 appropriation and \$1,338,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) ~~((\$21,650,000))~~ \$24,350,000 of the health services account--state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(5) \$2,984,000 of the general fund--local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545 (chapter 241, Laws of 2003, web-based vital records).

(6) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(7) \$92,000 of the general fund--state appropriation for fiscal year 2004, \$19,000 of the general fund--state appropriation for fiscal year 2005, and \$987,000 of the general fund--local appropriation are provided solely for implementation of Substitute House Bill No. 1338 (municipal water rights). If Substitute House Bill No. 1338 is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(8) \$188,000 of the health professions account--state appropriation is provided solely to increase the regulation of sales of precursor drugs that are often used to illegally manufacture methamphetamine to implement Senate Bill No. 6478 (ephedrine). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health care costs. A report shall be provided to the appropriate committees of the legislature by June 30, 2005, on the program effectiveness and cost savings. This funding shall be matched by an equal amount of local funding.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the department to implement a multiyear pilot project in Yakima county for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot project will serve approximately 1,000 women annually. The department will provide a preliminary report to the appropriate committees of the legislature by December 1, 2005.

Sec. 218. 2003 1st sp.s. c 25 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS.

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2004, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2004 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES
General Fund--State Appropriation (FY 2004) ~~((\$38,317,000))~~

General Fund--State Appropriation (FY 2005) ((\$35,473,000))	<u>\$36,534,000</u>
Public Safety and Education Account--State Appropriation \$3,657,000	<u>\$38,835,000</u>
Violence Reduction and Drug Enforcement Account Appropriation \$26,000	
TOTAL APPROPRIATION ((\$77,473,000))	<u>\$79,052,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: (~~(\$3,250,000)~~) \$700,000 of the general fund--state appropriation for fiscal year 2004 (~~(is)~~) and \$2,550,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. (~~(This)~~) These amounts (~~(is)~~) are conditioned on the department satisfying the requirements of section 902 of this act.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2004) ((\$441,122,000))	<u>\$458,402,000</u>
General Fund--State Appropriation (FY 2005) ((\$449,520,000))	<u>\$477,061,000</u>
General Fund--Federal Appropriation ((\$8,746,000))	<u>\$4,090,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$3,008,000	
TOTAL APPROPRIATION ((\$902,396,000))	<u>\$942,561,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2003-05 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2004) ((\$73,952,000))	<u>\$87,626,000</u>
General Fund--State Appropriation (FY 2005) ((\$74,200,000))	<u>\$88,564,000</u>
Public Safety and Education Account--State Appropriation \$15,492,000	
TOTAL APPROPRIATION ((\$163,644,000))	<u>\$191,682,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the department of corrections to contract with the

institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a pilot project to test the availability, reliability, and effectiveness of an electronic monitoring system based on passive data logging global positioning system technology for monitoring sex offenders.

(i) The department of corrections shall work with the Washington association of sheriffs and police chiefs and the department of social and health services to establish the pilot project.

(ii) The pilot project shall be of sufficient size to test the reliability of the technology in a variety of geographical circumstances including both urban and rural locations.

(iii) The pilot project shall test the system using sex or kidnapping offenders under the jurisdiction of the department of corrections and persons civilly committed under chapter 71.09 RCW under a variety of supervision circumstances. Offenders included in the pilot project shall be offenders who have been classified as level three offenders by the end of sentence review committee and over whom the department of corrections has authority to establish conditions of supervision or persons who have been ordered to be electronically monitored by the court in a proceeding under chapter 71.09 RCW and who have been classified as level three offenders by the end of sentence review committee.

(iv) The pilot project shall specifically examine the feasibility of electronic monitoring for level three sex offenders or kidnapping offenders who register as homeless or transient.

(v) The Washington association of sheriffs and police chiefs shall report to the appropriate committees of the legislature and the governor on the results of the pilot project by January 31, 2004. The report must include, but is not limited to:

(A) The availability of the technology, including a description of the system used and a discussion of the various types of global positioning system-based monitoring available and appropriate for a sex offender population;

(B) Any geographic or weather-related limitations posed by the technology;

(C) The reliability, including the false alarm rate of the technology;

(D) Any training requirements for department of corrections staff or supervised persons;

(E) Any distinctions in effectiveness or feasibility for different supervision populations;

(F) Costs, including equipment costs, monitoring fees, and any changes to department of corrections staffing levels;

(G) The ability of the subjects of the pilot to pay for daily and/or equipment costs;

(H) The rate of loss or damage to equipment used by the subjects of the pilot project; and

(I) Limitations in the pilot project to determining the answers to the items in this subsection (3)(c)(v).

The association shall make a recommendation in the report about the frequency and timing of monitoring reports, and the need for further study of the issue to determine efficacy and reliability.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2004) \$626,000

General Fund--State Appropriation (FY 2005) \$626,000

TOTAL APPROPRIATION \$1,252,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund-- state appropriation for fiscal year 2005 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2004) (~~(\$25,099,000)~~)

\$26,259,000

General Fund--State Appropriation (FY 2005) (~~(\$25,134,000)~~)

\$26,288,000

TOTAL APPROPRIATION (~~(\$50,233,000)~~)

\$52,547,000

The appropriations in this subsection are subject to the following conditions and limitations: \$70,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6489 (correctional industries). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 219. 2003 1st sp.s. c 25 s 226 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation	\$267,586,000	
General Fund--Private/Local Appropriation	\$30,103,000	
Unemployment Compensation Administration Account--Federal Appropriation	(\$184,878,000)	\$192,366,000
Administrative Contingency Account--State Appropriation	(\$14,721,000)	\$11,221,000
Employment Service Administrative Account--State Appropriation	\$23,184,000	
TOTAL APPROPRIATION	(\$520,472,000)	\$524,460,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$100,000 of the administrative contingency account appropriation is provided solely to ~~((establish an advisory partnership on the Washington manufacturing sector as outlined in Substitute House Bill No. 2164 (manufacturing advisory partnership) and recommended in the report entitled manufacturing in Washington state, 1990 2002: trends and implications for the industry and state))~~ the employment security department for manufacturing economic research and surveys with findings reported to relevant legislative committees, business, and labor.

(2) \$3,988,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are provided to replace obsolete information technology infrastructure.

(3) \$3,500,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized for employer outreach activities, employment service activities, and to prevent, detect, and collect unemployment insurance benefit overpayments.

Sec. 220. 2003 1st sp.s. c 25 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Municipal Criminal Justice Assistance Account--Local Appropriation	\$460,000	
Death Investigations Account--State Appropriation	\$148,000	
Public Safety and Education Account--State Appropriation	(\$18,078,000)	\$18,153,000
TOTAL APPROPRIATION	(\$18,686,000)	\$18,761,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

(4) \$250,000 of the public safety and education account appropriation is provided solely to the Washington association of sheriffs and police chiefs for staffing and support of a web site to provide information about sex offenders.

(5) \$25,000 of the public safety and education account appropriation is provided solely for allocation to the Washington association of sheriffs and police chiefs to coordinate jail and prison capacity and population projects with local governments, the sentencing guidelines commission, and the department of corrections. The association shall build on its existing work and that of the commission on regional jails and capacity issues, and may:

(a) Pursue options for regional jails where the cost is the same or lower than existing state and local corrections costs;

(b) Pursue options for the state to rent or purchase bed or facility space from local governments;

(c) Pursue options to manage population overcapacity and special populations; and

(d) Pursue options to develop better communication and information sharing processes between state and local correctional facilities.

The association shall provide an interim progress report to the appropriate fiscal and policy committees of the legislature no later than December 1, 2004.

(6) \$50,000 of the public safety and education account appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2556 (criminal background checks). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 221. 2003 1st sp.s. c 25 s 225 (uncodified) is amended to read as follows:
FOR THE SENTENCING GUIDELINES COMMISSION
 General Fund--State Appropriation (FY 2004) \$737,000
 General Fund--State Appropriation (FY 2005) \$741,000
 TOTAL APPROPRIATION \$1,478,000

The appropriations in this section are subject to the following conditions and limitations: The sentencing guidelines commission shall review the use, effectiveness, and cost effectiveness of sex offender sentencing, including the special sex offender sentencing alternative as follows:

(1) The review and evaluation shall include an analysis of whether current sex offense sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and the special sex offender sentencing alternative, are consistent with the purposes of the sentencing reform act, as set out in RCW 9.94A.010, and the community protection act. The review in this area may summarize findings of the sentencing study required by chapter 7, Laws of 2001, and the work of the Washington state institute for public policy, and shall not be duplicative.

(2) In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, the Washington state institute for public policy, treatment providers, organizations representing crime victims, and other organizations and individuals with expertise and interest in sex offender sentencing policy and treatment. To the extent possible within available appropriations, the commission shall conduct open public hearings to obtain input from the victims, families, advocates, and others. Comments from the public shall be included in the report to the legislature.

(3) Not later than December 1, 2004, the commission shall present to the appropriate standing committees of the legislature the findings of its review and evaluation, together with any recommendations for revisions and modifications to sex offender sentencing and supervision policy, including sentencing ranges and standards, mandatory minimum sentences, sentencing alternatives, and sentence enhancements. If implementation of the recommendations of the commission would result in exceeding the capacity of local or state correctional facilities, the commission shall also present the fiscal impact of proposed changes.

(4) If Engrossed Substitute House Bill No. 2400 (sex crimes against minors) is enacted, the commission shall ensure that the study required by the bill is coordinated with the study required by this act.(End of part)

PART III NATURAL RESOURCES

Sec. 301. 2003 1st sp.s. c 25 s 302 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2004) ((\$33,464,000))	<u>\$35,828,000</u>
General Fund--State Appropriation (FY 2005) ((\$33,263,000))	<u>\$35,911,000</u>
General Fund--Federal Appropriation \$57,143,000	
General Fund--Private/Local Appropriation \$3,696,000	
Special Grass Seed Burning Research Account--State Appropriation \$14,000	
Reclamation Revolving Account--State Appropriation \$2,760,000	
Flood Control Assistance Account--State Appropriation ((\$2,019,000))	<u>\$2,159,000</u>
State Emergency Water Projects Revolving Account--State Appropriation ((\$552,000))	<u>\$725,000</u>
Waste Reduction/Recycling/Litter Control Account--State Appropriation \$13,714,000	
State Drought Preparedness Account--State Appropriation ((\$1,708,000))	<u>\$1,858,000</u>
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$593,000	
Site Closure Account--State Appropriation \$629,000	
Water Quality Account--State Appropriation \$25,252,000	
Wood Stove Education and Enforcement Account--State Appropriation \$356,000	
Worker and Community Right-to-Know Account--State Appropriation \$3,348,000	
State Toxics Control Account--State Appropriation ((\$59,268,000))	<u>\$59,427,000</u>
State Toxics Control Account--Private/Local Appropriation \$353,000	
Local Toxics Control Account--State Appropriation \$4,878,000	
Water Quality Permit Account--State Appropriation ((\$25,205,000))	<u>\$25,741,000</u>

Underground Storage Tank Account--State Appropriation \$2,710,000	
Environmental Excellence Account--State Appropriation \$504,000	
Biosolids Permit Account--State Appropriation \$784,000	
Hazardous Waste Assistance Account--State Appropriation ((\$4,185,000))	<u>\$4,535,000</u>
Air Pollution Control Account--State Appropriation \$1,654,000	
Oil Spill Prevention Account--State Appropriation ((\$7,745,000))	<u>\$7,889,000</u>
Air Operating Permit Account--State Appropriation \$3,693,000	
Freshwater Aquatic Weeds Account--State Appropriation \$2,503,000	
Oil Spill Response Account--State Appropriation \$7,078,000	
Metals Mining Account--State Appropriation \$19,000	
Water Pollution Control Revolving Account--State Appropriation ((\$380,000))	<u>\$387,000</u>
Water Pollution Control Revolving Account--Federal Appropriation ((\$1,867,000))	<u>\$1,901,000</u>
TOTAL APPROPRIATION ((\$301,337,000))	<u>\$308,042,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,757,696 of the general fund--state appropriation for fiscal year 2004, \$2,757,696 of the general fund--state appropriation for fiscal year 2005, \$394,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$217,830 of the water quality account--state appropriation, \$322,976 of the state drought preparedness account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$704,942 of the oil spill prevention account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(4) (~~(\$1,000,000)~~) \$730,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$1,000,000)~~) \$1,270,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(5) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(7) \$100,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1002 (mercury), chapter 260, Laws of 2003. If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(8) The department of ecology is authorized to take one of the following actions related to the grant awarded in the 2001-03 biennium to Lincoln county for the Negro Creek flood control project, flood control assistance account program grant G0200049: (a) Carry forward to the 2003-05 biennium any unspent portion of the grant, or (b) extend the time of performance for the grant contract to the end of the 2003-2005 biennium.

(9) \$144,000 of the oil spill prevention account--state appropriation is provided solely to implement the provisions of Substitute Senate Bill No. 6641 (oil spills). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(10) \$536,000 of the water quality permit account--state appropriation is provided solely to implement the provisions of Engrossed Substitute Senate Bill No. 6415 (storm water discharge permits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(11) \$218,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement the provisions of Engrossed Second Substitute Senate Bill No. 5957 (water quality data). If the bill is not enacted by June 30, 2004, the amounts provided in this subsection shall lapse.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to support the initial phase of the federal United States Geological Survey study of the Spokane Valley-Rathdrum Prairie aquifer.

(13) \$65,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Engrossed Substitute House Bill No. 2488 (electronic products). If the bill is not enacted by June 30, 2004, the amounts provided in this subsection shall lapse.

(14) \$1,043,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for (a) establishing instream flows by rule for main stem rivers and their key tributaries. In watersheds where planning is not being conducted pursuant to chapter 90.82 RCW, the department shall follow the procedures and applicable requirements of chapters 90.22 and 90.54 RCW, and shall create a process of public involvement similar to that of a watershed planning unit under the provisions of chapter 90.82 RCW, in order to ensure that citizens are informed and afforded the opportunity to participate in the development of instream flow recommendations in collaboration with the department; (b) working with counties that have existing geographic information systems to map existing water rights and document current ownership and evaluating alternative administrative systems for determining existing water rights; and (c) assigning one water master to a basin that has been adjudicated.

(15) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a one-time payment to settle all claims in a suit against the state in the *Envirotest v. Department of Ecology*, Thurston Co. Sup. Ct. Case No. 02-2-00255-0.

(16) \$350,000 of the hazardous waste assistance account appropriation is provided solely for rulemaking to require closure plans, liability coverage, and financial assurances for hazardous waste management facilities.

(17) \$300,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to assist in watershed planning efforts. Of this amount, \$200,000 is provided solely for mediation efforts with the Lummi nation to pursue resolution of federal and tribal rights to water in Washington state consistent with comprehensive state water resources planning under chapter 90.54 RCW and \$100,000 is provided solely for coordination and staff support for the Nisqually river council watershed initiative program.

(18)(a) \$166,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for rulemaking and development of chemical action plans for persistent bioaccumulative toxins. Of this amount:

(i) \$83,000 is provided solely for the development of a chemical action plan for the chemical compounds known as PBDE (polybrominated diphenyl ethers); and

(ii) \$83,000 is provided solely for rulemaking to develop specific criteria by which chemicals may be included on a persistent bioaccumulative toxins list, develop a specific list of persistent bioaccumulative toxins and establish criteria for selecting chemicals for chemical action plans. The department shall develop the criteria and list consistent with the administrative procedure act provided under chapter 34.05 RCW and shall not adopt the rule prior to the adjournment of the 2005 legislative session. The department shall make recommendations to the legislature by December 31, 2004, regarding future funding alternatives to address persistent bioaccumulative toxins.

(b) \$159,000 of the state toxics control account appropriation is provided solely to implement the mercury chemical action plan. Of this amount: (i) \$84,000 is provided for development of a memorandum of understanding with the Washington state hospital association and the auto recyclers of Washington to ensure the safe removal and disposal of products containing mercury; and (ii) \$75,000 is provided for ongoing fluorescent lamp recycling. Any pesticide with a valid registration on or after the effective date of this act issued by the environmental protection agency under the federal insecticide, fungicide and rodenticide act, 7 U.S.C. 136 et seq., or any fertilizer regulated under the Washington fertilizer act, chapter 15.54 RCW, shall not be included in a persistent bioaccumulative toxin rulemaking process, list, or chemical action plan undertaken by the department of ecology.

(19) \$120,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a wetland mitigation banking pilot project. The department shall work with representatives from involved state agencies, the army corps of engineers, business, mitigation banking organizations, and environmental organizations to develop and implement a wetland banking rule. The department shall report to the appropriate committees of the legislature on the progress of the rule by December 2004.

(20) Within the amounts appropriated in this section the department shall convene and provide staff support for a water resources administration and funding task force. The task force shall develop proposals for and recommend several options for funding the state's water resource programs, including both operating programs and capital costs for water program implementation. The task force must report its findings and recommendations to the governor and the appropriate committees of the legislature by December 15, 2004. The task force shall include representatives of each of the following interests, selected by the associations representing those interests:

(i) One representative from each of the following interests: Agriculture, industry, environmental, fisheries, water utilities, and power utilities;

(ii) One representative of cities and one representative of counties;

(iii) Two representatives of Indian tribes, one from eastern Washington and one from western Washington;

(iv) Three representatives of the executive branch of state government; and

(v) The department of ecology shall invite a representative of the United States bureau of reclamation to participate as a member of the task force.

Sec. 302. 2003 1st sp.s. c 25 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2004) ((\$29,986,000))	<u>\$30,015,000</u>
General Fund--State Appropriation (FY 2005) ((\$29,976,000))	<u>\$30,034,000</u>
General Fund--Federal Appropriation \$2,666,000	
General Fund--Private/Local Appropriation \$63,000	
Winter Recreation Program Account--State Appropriation \$1,079,000	
Off Road Vehicle Account--State Appropriation \$285,000	
Snowmobile Account--State Appropriation \$4,790,000	
Aquatic Lands Enhancement Account--State Appropriation \$332,000	
Public Safety and Education Account--State Appropriation \$47,000	
<u>Parks Renewal and Stewardship Account--Private/Local Appropriation \$300,000</u>	
Parks Renewal and Stewardship Account--State Appropriation ((\$33,769,000))	<u>\$34,431,000</u>
TOTAL APPROPRIATION ((\$102,993,000))	<u>\$104,042,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Fees approved by the state parks and recreation commission in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.
- (2) \$79,000 of the general fund--state appropriation for fiscal year 2004, \$79,000 of the general fund--state appropriation for fiscal year 2005, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.
- (3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.
- (4) At each state park at which a parking fee is collected, the state parks and recreation commission shall provide notice that the revenue collected from the parking fee shall be used to fund expenditures to maintain and improve the state park system.
- (5) \$72,000 of the parks renewal and stewardship account--state appropriation is provided solely for one-time and ongoing computer system improvements and technical support.

Sec. 303. 2003 1st sp.s. c 25 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2004) \$1,246,000	
General Fund--State Appropriation (FY 2005) ((\$1,256,000))	<u>\$1,381,000</u>
General Fund--Federal Appropriation \$17,983,000	
General Fund--Private/Local Appropriation \$125,000	
Firearms Range Account--State Appropriation \$22,000	
Recreation Resources Account--State Appropriation \$2,608,000	
NOVA Program Account--State Appropriation \$691,000	
Water Quality Account--State Appropriation \$200,000	
Aquatic Lands Enhancement Account--State Appropriation \$254,000	
TOTAL APPROPRIATION ((\$24,260,000))	<u>\$24,510,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$16,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.
- (2) \$41,000 of the general fund--state appropriation for fiscal year 2004 and \$41,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and maintenance of the natural resources data portal.
- (3) \$812,000 of the general fund--state appropriation for fiscal year 2004, \$813,000 of the general fund--state appropriation for fiscal year 2005, and \$1,625,000 of the general fund--federal appropriation are provided to the salmon recovery funding board for distribution to lead entities. The board may establish policies to require coordination of funding requests from lead entities and regional recovery boards to ensure that recovery efforts are synchronized. At the discretion of the board, funding shall be concentrated in watersheds within the highest priority salmon recovery regions as defined by the statewide strategy to recover salmon. The board shall also coordinate funding decisions with the northwest power planning council to ensure maximum efficiency and investment return.

(4) \$234,000 of the general fund--state appropriation for fiscal year 2004 and \$234,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement priority recommendations developed by the monitoring oversight committee as directed by RCW 77.85.210. Within these funds, activity shall be directed to improve monitoring oversight within watersheds, enhance data coordination and access among recovery partners, and produce a state watershed health report card.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2005 and \$125,000 of the general fund--private/local appropriation are provided solely for implementation of a statewide biodiversity conservation strategy.

Sec. 304. 2003 1st sp.s. c 25 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2004) ((\$923,000))	\$934,000
General Fund--State Appropriation (FY 2005) ((\$960,000))	\$998,000
TOTAL APPROPRIATION ((\$1,883,000))	<u>\$1,932,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions), chapter 393, Laws of 2003.

Sec. 305. 2003 1st sp.s. c 25 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2004) \$2,234,000	
General Fund--State Appropriation (FY 2005) \$2,245,000	
Water Quality Account--State Appropriation ((\$2,162,000))	\$2,412,000
TOTAL APPROPRIATION ((\$6,641,000))	<u>\$6,891,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the general fund--state appropriation for fiscal year 2004 and \$247,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(2) \$118,000 of the general fund--state appropriation for fiscal year 2004 and \$121,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure), chapter 391, Laws of 2003.

(3) \$250,000 of the water quality account--state appropriation is provided solely for grants to conservation districts. Grants shall provide for education, outreach, and technical assistance programs to assist owners and operators of concentrated animal feeding operations with compliance issues related to federal concentrated animal feeding operations requirements and the department of agriculture's livestock nutrient management program.

Sec. 306. 2003 1st sp.s. c 25 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2004) ((\$41,453,000))	\$41,600,000
General Fund--State Appropriation (FY 2005) ((\$40,179,000))	\$40,584,000
General Fund--Federal Appropriation ((\$31,632,000))	\$40,316,000
General Fund--Private/Local Appropriation ((\$24,300,000))	\$29,420,000
Off Road Vehicle Account--State Appropriation \$501,000	
Aquatic Lands Enhancement Account--State Appropriation \$5,620,000	
Public Safety and Education Account--State Appropriation \$562,000	
Recreational Fisheries Enhancement Account--State Appropriation ((\$3,392,000))	\$3,467,000
Warm Water Game Fish Account--State Appropriation \$2,568,000	
Eastern Washington Pheasant Enhancement Account--State Appropriation \$750,000	

Wildlife Account--State Appropriation ((\$57,138,000))	<u>\$58,922,000</u>
Wildlife Account--Federal Appropriation ((\$38,216,000))	<u>\$29,532,000</u>
Wildlife Account--Private/Local Appropriation ((\$15,158,000))	<u>\$10,038,000</u>
((Game)) Special Wildlife Account--State Appropriation ((\$1,949,000))	<u>\$2,068,000</u>
((Game)) Special Wildlife Account--Federal Appropriation ((\$9,598,000))	<u>\$8,720,000</u>
((Game)) Special Wildlife Account--Private/Local Appropriation ((\$350,000))	<u>\$450,000</u>
Environmental Excellence Account--State Appropriation \$15,000	
Regional Fisheries Salmonid Recovery Account--Federal Appropriation \$1,750,000	
Oil Spill Prevention Account--State Appropriation \$981,000	
Oyster Reserve Land Account--State Appropriation ((\$137,000))	<u>\$411,000</u>
TOTAL APPROPRIATION ((\$276,249,000))	<u>\$278,275,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,355,714 of the general fund--state appropriation for fiscal year 2004, \$1,355,713 of the general fund--state appropriation for fiscal year 2005, and \$402,000 of the wildlife account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.
- (2) \$225,000 of the general fund--state appropriation for fiscal year 2004, \$225,000 of the general fund--state appropriation for fiscal year 2005, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (3) ((~~\$850,000~~)) \$1,016,000 of the wildlife account--state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.
- (4) \$900,000 of the wildlife fund--state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.
- (5) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.
- (6) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.
- (7) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.
- (8) \$400,000 of the wildlife account--state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.
- (9) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.
- (10) \$43,000 of the general fund--state appropriation for fiscal year 2004 and \$42,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.
- (11) \$80,000 of the general fund--state appropriation for fiscal year 2004 and \$77,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.
- (12) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.
- (13) \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(14) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(15) \$75,000 of the recreational fisheries enhancement account and \$75,000 of the state wildlife account--state appropriation are provided solely to implement additional selective recreational fisheries to include one additional fishery each in eastern and western Washington. The department shall determine the eastern Washington fishery, and the western Washington fishery shall be for Lake Washington sockeye.

(16) \$16,000 of the wildlife account--state appropriation is provided solely for implementation of Substitute House Bill No. 2621 (razor clam license). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(17) \$417,000 of the wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 2431 (Dungeness crab card). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(18) \$112,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to buy back purse seine fishing licenses.

(19) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(20) \$122,000 of the wildlife account--state appropriation is provided solely to reimburse the department of natural resources for fire suppression costs incurred on department of fish and wildlife lands.

(21) \$150,000 of the general fund--state appropriation for fiscal year 2005 and \$150,000 of the wildlife account--state appropriation are provided solely to complete phase II of the contract management system (CAPS). The CAPS system phase II shall be operational no later than June 30, 2005.

(22) From within existing funding, the department shall provide a report to the appropriate committees of the legislature identifying options for reducing future allocations for the harvest of salmon in the event that a group's actual catch exceeds a current allocation. The report shall identify any statutory changes that would be required to implement such an accountability system.

(23) \$50,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for lease payments for the Vancouver hatchery staff residence and for the development of plans for an educational facility in cooperation with the Columbia Springs environmental education center.

Sec. 307. 2003 1st sp.s. c 25 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2004) ((\$30,307,000))	
	\$54,189,000
General Fund--State Appropriation (FY 2005) ((\$34,233,000))	
	\$36,554,000
General Fund--Federal Appropriation ((\$3,809,000))	
	\$5,116,000
General Fund--Private/Local Appropriation \$2,482,000	
Forest Development Account--State Appropriation ((\$52,060,000))	
	\$52,075,000
Off Road Vehicle Account--State Appropriation ((\$4,028,000))	
	\$4,029,000
Surveys and Maps Account--State Appropriation ((\$2,760,000))	
	\$2,761,000
Aquatic Lands Enhancement Account--State Appropriation ((\$6,884,000))	
	\$8,925,000
Resources Management Cost Account--State Appropriation ((\$70,391,000))	
	\$70,418,000
Surface Mining Reclamation Account--State Appropriation \$2,293,000	
Disaster Response Account--State Appropriation \$7,200,000	
State Toxic Control Account--State Appropriation \$750,000	
Water Quality Account--State Appropriation \$2,479,000	
Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$1,311,000	
Natural Resource Conservation Areas Stewardship Account Appropriation \$83,000	
Air Pollution Control Account--State Appropriation \$526,000	
Agricultural College Trust Management Account Appropriation \$1,868,000	
Derelict Vessel Removal Account--State Appropriation \$1,130,000	
TOTAL APPROPRIATION ((\$223,844,000))	
	\$254,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2004, \$18,000 of the general fund--state appropriation for fiscal year 2005, and \$1,006,950 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$908,000 of the general fund--state appropriation for fiscal year 2004 and \$910,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(3) ~~(\$1,158,000)~~ \$24,674,000 of the general fund--state appropriation for fiscal year 2004, \$8,358,000 of the general fund--state appropriation for fiscal year 2005, and \$7,200,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. These funds shall not be allocated to cover any portion of agency indirect and administrative expenses. The legislature finds that general fund and disaster response account support for emergency fire suppression is a significant and direct subsidy of the costs to administer and manage various trust lands. It would be an unintended additional subsidy if a portion of the general fund and disaster response account amounts provided in this subsection were used to fund agency indirect and administrative expenses. To avoid this unintended additional subsidy, agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

(9) ~~(For the 2003-05 fiscal biennium, the department has revised the methodology by which administrative costs of the department are allocated among the state general fund and the various dedicated funds and accounts from which the department receives appropriations. The legislature recognizes that the revised methodology represents a fair and equitable allocation of costs under state law and accounting rules. The legislature further finds that retroactive application of the revised methodology is neither practical nor desirable.~~

~~(10))~~ The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting), chapter 313, Laws of 2003. The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

~~((11))~~ (10) \$208,000 of the general fund--state appropriation of fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

~~((12))~~ (11) The department of natural resources shall not close Sahara Creek facility, campground, or trailhead. The appropriations in this section are deemed sufficient to provide service for these recreational opportunities.

~~((13))~~ (12) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$4,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

~~((14))~~ (13) \$2,700,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to the department of natural resources to acquire approximately 232 acres of land and timber in Klickitat county from the SDS lumber company. Expenditure of the moneys provided in this subsection shall not be made until the SDS lumber company accepts the land and timber acquisition as full and complete settlement of the current litigation brought by the SDS lumber company against the state and the litigation is dismissed, with prejudice. The land and timber acquired with the funding in this subsection shall be managed for the benefit of the common schools. By June 30, 2004, if the department has not recovered through trust asset management the state's capital investment from the land acquisition provided in this subsection, the department shall seek reimbursement from the federal government.

~~((15))~~ (14) \$265,000 of the aquatic lands enhancement account appropriation is provided solely for developing a pilot project to study the feasibility of geoduck aquaculture on both intertidal and subtidal lands in the state of Washington.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for habitat restoration work in the Loomis natural resource area.

(16) \$200,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for providing public access to camp sites and trails maintained by the department. This additional funding, along with existing funding from the off road vehicle account is intended to fully fund current access to camp sites and trails. If additional funding is required to avoid closures to camp sites and trails during the 2003-05 biennium, the department shall reduce expenditures for agency administration by five percent and redeploy those general fund resources to the recreation program prior to closing any camp sites or trails.

(17) \$40,000 of the aquatic lands enhancement account appropriation is provided solely for the department to (a) calculate the rent for DNR-leased marinas based on a percentage of a marina's income and (b) recommend an appropriate formula to the 2005 legislature.

(18)(a) \$2,000,000 of the general fund--state appropriation for fiscal year 2005, \$750,000 of the state toxics control account--state appropriation, and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purpose of settling *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad, et al.* In the event: (i) A final settlement agreement is not signed by the port of Seattle, Pacific Sound Resources, and the department of natural resources by March 25, 2004; or (ii) the U.S. environmental protection agency, or the department of justice if necessary, fail to settle with the state and the department and provide a covenant not to sue and contribution protection with no additional consideration required, then \$550,000 of the general fund--state appropriation for fiscal year 2005 shall be available to use to fund the existing PSR litigation and the remainder of the amounts provided in this subsection (a) shall lapse.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for legal defense costs in *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad et al.*

Sec. 308. 2003 1st sp.s. c 25 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2004) ((\$7,444,000))	<u>\$7,636,000</u>
General Fund--State Appropriation (FY 2005) ((\$7,244,000))	<u>\$10,941,000</u>
General Fund--Federal Appropriation \$10,068,000	
General fund--Private/Local Appropriation \$1,110,000	
Aquatic Lands Enhancement Account--State Appropriation ((\$1,942,000))	<u>\$2,027,000</u>
Water Quality Account--State Appropriation \$692,000	
State Toxics Control Account--State Appropriation ((\$2,580,000))	<u>\$2,780,000</u>
Water Quality Permit Account--State Appropriation \$165,000	
TOTAL APPROPRIATION ((\$31,245,000))	<u>\$35,419,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$165,000 of the water quality permit account--state appropriation and \$692,000 of the water quality account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5889 (animal feeding operations), chapter 325, Laws of 2003.

(4) \$53,000 of the general fund--state appropriation for fiscal year 2004 and \$15,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute House Bill No. 1754 (chickens), chapter 397, Laws of 2003.

(5) \$42,000 of the general fund--state appropriation for fiscal year 2004 and \$287,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for animal identification, food safety, and commercial feed inspection programs.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for response costs to the discovery of bovine spongiform encephalopathy in a Washington dairy cow.

(7) \$630,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the "from the heart of Washington" campaign, southeast Asia/China trade representatives, domestic marketing/economic development, food and agriculture industry security, and for the small farm and direct marketing program.

(8) \$85,000 of the aquatic lands enhancement account appropriation is provided solely for spartina eradication efforts in Willapa Bay and Grays Harbor.

(9) \$330,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to contract with Washington State University for research and development activities related to asparagus harvesting and automation technology.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the purchase of agricultural products packing equipment. The department shall negotiate an appropriate agreement with the agricultural industry for the use of the equipment. (End of part)

PART IV TRANSPORTATION

Sec. 401. 2003 1st sp.s. c 25 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2004) ((\$4,986,000))	\$5,141,000
General Fund--State Appropriation (FY 2005) ((\$4,988,000))	\$5,225,000
Architects' License Account--State Appropriation ((\$696,000))	\$706,000
Cemetery Account--State Appropriation ((\$235,000))	\$249,000
Professional Engineers' Account--State Appropriation ((\$3,025,000))	\$2,938,000
Real Estate Commission Account--State Appropriation ((\$7,111,000))	\$7,048,000
Master License Account--State Appropriation ((\$9,110,000))	\$8,920,000
Uniform Commercial Code Account--State Appropriation ((\$2,987,000))	\$2,837,000
Real Estate Education Account--State Appropriation ((\$277,000))	\$275,000
Real Estate Appraisers Commission Account--State Appropriation ((\$927,000))	\$946,000
Geologist's Account--State Appropriation ((\$7,000))	\$21,000
Funeral Directors and Embalmers Account--State Appropriation ((\$521,000))	\$532,000
Washington Real Estate Research Account--State Appropriation ((\$308,000))	\$302,000
Data Processing Revolving Account--State Appropriation \$29,000	
<u>Derelict Vessel Removal Account--State Appropriation \$31,000</u>	
TOTAL APPROPRIATION ((\$35,207,000))	<u>\$35,200,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2003-05 fiscal biennium. Pursuant to RCW 43.135.055, during the 2003-05 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$56,000 of the general fund--state appropriation for fiscal year 2004 and \$262,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Substitute Senate Bill No. 6341 (cosmetologists). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 402. 2003 1st sp.s. c 25 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2004) \$20,005,000
General Fund--State Appropriation (FY 2005) \$18,855,000
General Fund--Federal Appropriation \$4,240,000
General Fund--Private/Local Appropriation \$378,000

Death Investigations Account--State Appropriation \$4,489,000	
Public Safety and Education Account--State Appropriation ((\$20,852,000))	<u>\$21,969,000</u>
Enhanced 911 Account--State Appropriation \$612,000	
County Criminal Justice Assistance Account--State Appropriation \$2,649,000	
Municipal Criminal Justice Assistance Account--State Appropriation \$1,087,000	
Fire Service Trust Account--State Appropriation \$125,000	
Fire Service Training Account--State Appropriation \$7,374,000	
State Toxics Control Account--State Appropriation \$436,000	
Violence Reduction and Drug Enforcement Account--State Appropriation \$286,000	
Fingerprint Identification Account--State Appropriation ((\$4,405,000))	<u>\$5,393,000</u>
TOTAL APPROPRIATION ((\$85,793,000))	<u>\$87,898,000</u>

- The appropriations in this section are subject to the following conditions and limitations:
- (1) \$750,000 of the fire service training account--state appropriation is provided solely for the implementation of Senate Bill No. 5176 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
 - (2) \$200,000 of the fire service training account--state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
 - (3) \$376,000 of the public safety and education account--state appropriation is provided solely for additional DNA testing kits.
 - (4) \$276,000 of the fingerprint identification account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2532 (modifying commercial driver's license provisions). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse. (End of part)

PART V EDUCATION

Sec. 501. 2003 1st sp.s. c 25 s 501 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS	
General Fund--State Appropriation (FY 2004) ((\$11,772,000))	<u>\$11,615,000</u>
General Fund--State Appropriation (FY 2005) ((\$11,761,000))	<u>\$11,846,000</u>
General Fund--Federal Appropriation ((\$15,921,000))	<u>\$26,968,000</u>
TOTAL APPROPRIATION ((\$39,454,000))	<u>\$50,429,000</u>

- The appropriations in this section are subject to the following conditions and limitations:
- (a) \$10,771,000 of the general fund--state appropriation for fiscal year 2004 and \$10,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.
 - (b) \$428,000 of the general fund--state appropriation for fiscal year 2004 and \$428,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.
 - (c) \$416,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$416,000)~~) \$476,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided, the Washington professional educator standards board (WPESB) shall submit a report regarding specific implementation strategies to strengthen mathematics initiatives by improving teacher knowledge and skill development including: (i) Teacher

preparation program approval standard changes; (ii) teacher certification requirement changes and the development of new expertise credentials; (iii) state-established standards to guide the approval of professional development providers and offerings related to mathematics; and (iv) other related recommendations. The WPESB shall base the recommendations on determinations of the status of teacher preparation and professional development opportunities and work with appropriate parties. The WPESB shall submit the report to the governor, superintendent of public instruction, state board of education, and the education and fiscal committees of the legislature by November 1, 2004.

(d) (~~(\$157,000 of the general fund--state appropriation for fiscal year 2004 and \$149,000)~~) \$130,000 of the general fund--state appropriation for fiscal year 2005 (~~are~~) is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If (~~the~~) neither bill is (~~not~~) enacted by June 30, (~~2003~~) 2004, the amount() provided in this subsection shall lapse.

(e) The department of social and health services, the office of the superintendent of public instruction, and the department of health should work together to identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provide cost-effective ways to avoid higher health spending later in life.

(f) \$44,000 of the general fund--state appropriation for fiscal year 2005 is provided solely to implement Substitute Senate Bill No. 6171 (complaints against school employees) or Second Substitute Senate Bill No. 5533 (disclosure of misconduct). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2004) ((\$8,966,000))	<u>\$8,676,000</u>
General Fund--State Appropriation (FY 2005) ((\$9,345,000))	<u>\$9,885,000</u>
General Fund--Federal Appropriation ((\$66,405,000))	<u>\$61,656,000</u>
TOTAL APPROPRIATION ((\$84,716,000))	<u>\$80,217,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2005 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

~~((iv))~~ ~~(((\$13,663,000))~~ \$12,917,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

~~((v))~~ ~~((v))~~ (v) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2005 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) ~~(((\$306,000))~~ \$16,000 of the fiscal year 2004 appropriation and \$689,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012, chapter 33, Laws of 2003.

(ii) A maximum of \$761,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of ~~(((\$757,000))~~ \$1,097,000 of the general fund--state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2005 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington civil liberties education program.

(viii) \$500,000 of the general fund--state appropriation for fiscal year 2004 and \$500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) ~~(((\$1,433,000))~~ \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the school safety center advisory committee to identify instructional materials and resources for students, parents, and teachers that are designed to prevent the abduction of children.

(x) \$75,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for deposit in the natural science, wildlife, and environmental partnership account--state for the grant program established in chapter 22, Laws of 2003 (ESHB 1466).

(xi) \$100,000 of the general fund--state appropriation for fiscal year 2005 is provided solely as one-time funding for the Washington virtual classroom consortium administered by the Quillayute valley school district.

(xii) \$1,650,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

((~~x~~) \$9,510,000) (xiii) \$9,953,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

((~~xi~~) \$12,977,000) (xiv) \$12,941,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

Sec. 502. 2003 1st sp.s. c 25 s 502 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT
General Fund--State Appropriation (FY 2004) (~~(\$3,969,407,000)~~)

\$3,976,507,000

General Fund--State Appropriation (FY 2005) (~~(\$3,977,209,000)~~)

\$3,988,649,000

TOTAL APPROPRIATION (~~(\$7,946,616,000)~~)

\$7,965,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 0.8 certificated instructional staff units for the 2003-04 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 54.0 funding ratio in the 2003-04 school year, and up to 1.3 of the 53.2 funding ratio in the 2004-05 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional

classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2003-04 and 2004-05 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 9.68 percent in the 2003-04 school year and ~~((9.68))~~ 9.69 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.25 percent in the 2003-04 school year and 12.25 percent in the 2004-05 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of ~~((\$8,952))~~ \$8,855 per certificated staff unit in the 2004-05 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of ~~((\$21,983))~~ \$21,746 per certificated staff unit in the 2004-05 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of ~~((\$17,057))~~ \$16,873 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((\$6,392,000))~~ \$6,385,000 outside the basic education formula during fiscal years 2004 and 2005 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$495,000 may be expended in fiscal year 2004 and a maximum of ~~((\$504,000))~~ \$499,000 may be expended in fiscal year 2005;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2004 fiscal year and a maximum of \$2,035,000 for the 2005 fiscal year;

(c) A maximum of ~~((\$353,000))~~ \$351,000 may be expended for school district emergencies; and

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(12) ~~(((\$159,000)) \$401,000 of the general fund--state appropriation for fiscal year ((2004 and \$1,181,000 of the general fund--state appropriation for fiscal year 2005 are)) 2005 is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If ((the)) neither bill is ((not)) enacted by June 30, ((2003)) 2004, the amount() provided in this subsection shall lapse.~~

Sec. 503. 2003 1st sp.s. c 25 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION
EMPLOYEE COMPENSATION.**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sa for the 2003-04 school year and LEAP Document 1Sb for the 2004-05 school year; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sa" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2003-04 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours;

(b) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2004-05 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2003-04 and 2004-05 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 9.04 percent for school year 2003-04 and ~~((9.04))~~ 9.05 percent for school year 2004-05 for certificated staff and for classified staff 8.75 percent for school year 2003-04 and 8.75 percent for the 2004-05 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2003-04 School Year

Years of

Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	or PHD
	29,149	29,936	30,752	31,568	34,192	35,881	34,947	37,570	39,262
0									
1	29,540	30,339	31,165	32,019	34,669	36,350	35,335	37,985	39,665
2	30,060	30,870	31,709	32,633	35,289	36,995	35,901	38,556	40,262
3	30,747	31,574	32,429	33,392	36,069	37,833	36,630	39,306	41,071
4	31,285	32,151	33,017	34,018	36,724	38,510	37,208	39,914	41,701
5	31,840	32,716	33,594	34,655	37,365	39,196	37,798	40,509	42,340
6	32,251	33,108	34,016	35,131	37,827	39,667	38,213	40,910	42,750
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9			37,266	38,591	41,443	43,481	41,656	44,510	46,548
			36,272						
10				39,898	42,788	44,894	42,964	45,855	47,960
			38,477						

11		44,196	46,344	44,309	47,263	49,410
	41,243					
12		45,642	47,854	45,707	48,708	50,921
	42,545					
13			49,401	47,154	50,189	52,467
			47,123			
14			51,006	48,644	51,775	54,073
			48,611			
15			52,333	49,908	53,121	55,479
			49,876			
16 or More			53,379	50,906	54,183	56,588
			50,873			

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2004-05 School Year

Years of

Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90	BA+ 135	MA	MA+ 45	or PHD
	30,023	30,834	31,674	32,516	35,218	36,958	35,995	38,697	40,439
0									
1	30,427	31,249	32,100	32,979	35,709	37,440	36,395	39,125	40,855
2	30,812	31,642	32,502	33,449	36,171	37,920	36,798	39,520	41,269
3	31,209	32,047	32,916	33,893	36,610	38,401	37,180	39,895	41,687
4	31,598	32,473	33,347	34,358	37,091	38,895	37,580	40,313	42,118
5	32,000	32,879	33,762	34,829	37,552	39,392	37,987	40,711	42,551
6	32,413	33,273	34,186	35,306	38,016	39,866	38,404	41,114	42,963
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9			37,266	38,591	41,443	43,481	41,656	44,510	46,548
		36,272							
10				39,898	42,788	44,894	42,964	45,855	47,960
			38,477						

11	44,196	46,344	44,309	47,263	49,410
	41,243				
12	45,642	47,854	45,707	48,708	50,921
	42,545				
13		49,401	47,154	50,189	52,467
	47,123				
14		51,006	48,644	51,775	54,073
	48,611				
15		52,333	49,908	53,121	55,479
	49,876				
16 or More		53,379	50,906	54,183	56,588
	50,873				

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and
(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.
(b) "MA" means a masters degree.
(c) "PHD" means a doctorate degree.
(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2), subsection (7) of this section, and section 504(1) of this act.

Sec. 504. 2003 1st sp.s. c 25 s 504 (uncodified) is amended to read as follows:
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE
COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2004) (~~(\$28,511,000)~~)

\$28,604,000

General Fund--State Appropriation (FY 2005) (~~(\$116,670,000)~~)

\$132,202,000

General Fund--Federal Appropriation (~~(\$559,000)~~)

\$663,000

TOTAL APPROPRIATION (~~(\$145,740,000)~~)

\$161,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$8,913,000)~~) \$8,944,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$20,238,000)~~) \$20,339,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to provide a salary adjustment for state formula certificated instructional staff units in their first seven years of service. Consistent with the statewide certificated instructional staff salary allocation schedule in section 503 of this act, sufficient funding is provided to increase the salary of certificated instructional staff units in the 2003-04 school year and the 2004-05 school year by the following percentages: Three percent for certificated instructional staff in their first and second years of service; two and one-half percent for certificated instructional staff in their third year of service; one and one-half percent for certificated instructional staff in their fourth year of service; one percent for certificated instructional staff in their fifth year of service; and one-half of a percent for certificated instructional staff in their sixth and seventh years of service. These increases will take effect September 1, 2003 and September 1, 2004.

(a) In order to receive funding provided in this subsection, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. In cases where a school district providing the increases in the amounts specified in this subsection would cause that school district to be out of compliance with RCW 28A.400.200, they may provide salary increases in different amounts but only to the extent necessary to come into compliance with RCW 28A.400.200. Funds provided in this subsection shall be used exclusively for providing the percentage increases specified in this subsection to the certificated staff units in their first seven years of service and shall not be used to supplant any other state or local funding for compensation for these staff.

(b) The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for school year 2003-04 and (~~(9-04)~~) 9.05 percent for school year 2004-05 for certificated staff. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(2) \$5,452,000 of the general fund--state appropriation is provided solely to provide a salary adjustment for state formula classified units of one percent effective September 1, 2004, and \$126,598,000 is provided solely for adjustments to insurance benefit allocations.

(a)(i) In order to receive funding provided in this subsection for salary adjustments for state formula classified units, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. Funds provided in this subsection for this purpose shall be used exclusively for providing the percentage increases specified in this subsection to

classified staff units and shall not be used to supplant any other state or local funding for compensation for these staff.

(ii) The appropriations include associated incremental fringe benefit allocations at rates of 8.75 percent for the 2004-05 school year for classified staff. The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in this part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$582.47 per month for the 2004-05 school year.

(3) The appropriations in this section provide salary adjustments and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2003-04	2004-05
<u>Pupil Transportation (per weighted pupil mile)</u>	<u>\$0.00</u>	<u>\$0.22</u>
Highly Capable (per formula student)	\$0.93	\$1.89
Transitional Bilingual Education (per eligible bilingual student)	\$2.45	\$4.97
Learning Assistance (per entitlement unit)	\$0.69	<u>\$2.94</u> (\$1.40)

~~(((3) \$116,483,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$570.74 per month for the 2004-05 school year at the following rates:))~~

(4) The adjustments to insurance benefit allocations are at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.22	<u>\$1.14</u> (\$1.03)
Highly Capable (per formula student)	\$1.52	<u>\$7.72</u> (\$7.00)
Transitional Bilingual Education (per eligible bilingual student)	\$3.92	<u>\$20.30</u> (\$18.40)

Learning Assistance (per entitlement unit)

\$3.08

\$15.95
~~(\$14.46)~~

~~((4))~~ (5) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2003 1st sp.s. c 25 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2004) ((\$201,638,000))	<u>\$215,454,000</u>
General Fund--State Appropriation (FY 2005) ((\$210,279,000))	<u>\$219,899,000</u>
TOTAL APPROPRIATION ((\$411,917,000))	<u>\$435,353,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of (~~(\$782,000)~~) \$774,000 of the fiscal year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$39.21 per weighted mile in the 2003-04 school year and (~~(\$39.43)~~) \$39.30 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) (~~(Beginning with)~~) For busses purchased (~~(on or after)~~) between July 1, 2003, and June 30, 2004, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

Sec. 506. 2003 1st sp.s. c 25 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2004) \$3,100,000	
General Fund--State Appropriation (FY 2005) \$3,100,000	
General Fund--Federal Appropriation ((\$272,069,000))	<u>\$252,128,000</u>
TOTAL APPROPRIATION ((\$278,269,000))	<u>\$258,328,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2004 and \$3,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

Sec. 507. 2003 1st sp.s. c 25 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2004) ((\$433,984,000))	<u>\$435,061,000</u>
--	----------------------

General Fund--State Appropriation (FY 2005) ((\$427,214,000))	<u>\$426,802,000</u>
General Fund--Federal Appropriation ((\$409,637,000))	<u>\$426,450,000</u>
TOTAL APPROPRIATION ((\$1,270,835,000))	<u>\$1,288,313,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the

determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

Sec. 508. 2003 1st sp.s. c 25 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2004) \$3,538,000

General Fund--State Appropriation (FY 2005) (~~(\$3,537,000)~~)

\$3,538,000

TOTAL APPROPRIATION (~~(\$7,075,000)~~)

\$7,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2003 1st sp.s. c 25 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2004) ((\$162,236,000))	<u>\$163,049,000</u>
General Fund--State Appropriation (FY 2005) ((\$167,073,000))	<u>\$165,578,000</u>
TOTAL APPROPRIATION ((\$329,309,000))	<u>\$328,627,000</u>

Sec. 510. 2003 1st sp.s. c 25 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2004) ((\$18,596,000))	<u>\$18,207,000</u>
General Fund--State Appropriation (FY 2005) ((\$19,092,000))	<u>\$18,176,000</u>
TOTAL APPROPRIATION ((\$37,688,000))	<u>\$36,383,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) (~~(\$279,000)~~) \$190,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$286,000)~~) \$142,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2003 1st sp.s. c 25 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2004) ((\$6,597,000))	<u>\$6,620,000</u>
General Fund--State Appropriation (FY 2005) ((\$6,614,000))	<u>\$6,632,000</u>
TOTAL APPROPRIATION ((\$13,211,000))	<u>\$13,252,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and (~~(\$334.89)~~) \$334.91 per funded student for the 2004-05 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 512. 2003 1st sp.s. c 25 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation ((~~\$46,198,000~~))

\$42,817,000

Sec. 513. 2003 1st sp.s. c 25 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2004) ((~~\$39,107,000~~))

\$38,417,000

General Fund--State Appropriation (FY 2005) ((~~\$36,501,000~~))

\$37,709,000

General Fund--Federal Appropriation ((~~\$128,402,000~~))

\$164,087,000

TOTAL APPROPRIATION ((~~\$204,010,000~~))

\$240,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$310,000 of the general fund--state appropriation for fiscal year 2004 and \$310,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) (~~(\$16,050,000)~~) \$15,486,000 of the general fund--state appropriation for fiscal year 2004, (~~(\$12,511,000)~~) \$13,103,000 of the general fund--state appropriation for fiscal year 2005, and (~~(\$15,455,000)~~) \$12,310,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning(~~(--Of the general fund--state amounts provided--~~

~~(a) \$222,000 in fiscal year 2004 and \$244,000 in fiscal year 2005 are for providing high school students who are not successful in one or more content areas of the Washington assessment of student learning the opportunity to retake the test and \$75,000 of the fiscal year 2004 appropriation is provided for developing alternative assessments as provided in Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amounts in this subsection (a) shall lapse.~~

~~(b) \$300,000 in fiscal year 2004 is for independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning, as provided by Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amount in this subsection (b) shall lapse)~~ (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL, development of alternative assessments or appeals procedures to implement the certificate of academic achievement, and independent research on the alignment and technical review of reading, writing, and science.

(3) \$548,000 of the fiscal year 2004 general fund--state appropriation and \$548,000 of the fiscal year 2005 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund--state appropriation for fiscal year 2004 and \$2,348,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$1,959,000 of the general fund--state appropriation for fiscal year 2004 and \$1,959,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,594,000 of the general fund--state appropriation for fiscal year 2004 and \$3,594,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$705,000 of the general fund--state appropriation for fiscal year 2004 and \$705,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2005 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling.

(10) \$3,713,000 of the general fund--state appropriation for fiscal year 2004 and \$3,713,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading that may include research-based reading skills development software for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements;

(v) It contains an evaluation component to determine the effectiveness of the program; and

(vi) The program may include a software-based solution to increase the student/tutor ratio to a minimum of 5:1. The selected software program shall be scientifically researched-based.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2003 through August 31, 2005.

(11) (~~(\$1,564,000)~~) \$1,313,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$2,497,000)~~) \$2,473,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(12) \$313,000 of the general fund--state appropriation for fiscal year 2004 and \$313,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2004 and \$126,000 of the general fund--state appropriation for fiscal year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(14) \$3,046,000 of the general fund--state appropriation for fiscal year 2004 and \$3,046,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(15) \$1,764,000 of the general fund--state appropriation for fiscal year 2004 and \$1,764,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(16) ((~~\$87,901,000~~)) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Tukwila school district and the Selah school district for a two-year project designed to improve the districts' performance in reading and math and to close the achievement gap within the district, subject to the following conditions and limitations:

(a) Funds shall be allocated to all schools within the Tukwila school district and Selah school district to implement proven, research-based reading and math intervention software for low-performing students in grades K-12.

(b) The programs may be implemented before, during, or after the regular school day, on Saturdays, or summer intercessions.

(c) A program is eligible for funding if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable research and best practices;

(ii) The program design is comprehensive and includes instruction, ongoing student assessment, professional development, and program management aligned with the district's reading and math curriculum;

(iii) The program provides quality professional development and training for teachers, staff, and volunteer mentors or tutors;

(iv) The program contains an evaluation component to determine the effectiveness of the program, which will be reported to the legislature and the superintendent of public instruction on an annual basis for the duration of the project.

(d) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements, shall be available for each program.

(e) All materials related to the project shall be retained by the district at the end of the two-year term.

(17) \$515,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the math initiative. The office of the superintendent of public instruction shall evaluate textbooks and other instructional materials for math to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math programs and shall work with mentor teachers from around the state to develop guidelines for eligibility, training, and professional development for mentor math teachers.

(18) \$125,822,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act. Of this amount, \$50,000 of the general fund--federal appropriation for state administration under Title II is provided solely for the joint legislative audit and review committee to conduct a study of state and school district expenditures of Title II monies. The office of superintendent of public instruction shall establish an interagency agreement with the joint legislative audit and review committee to carry out this study.

((~~17~~) ~~\$25,046,000~~) (19) \$25,955,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

Sec. 514. 2003 1st sp.s. c 25 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2004) ((\$49,791,000))	<u>\$50,678,000</u>
General Fund--State Appropriation (FY 2005) ((\$52,062,000))	<u>\$54,050,000</u>
General Fund--Federal Appropriation (FY 2005) ((\$46,309,000))	<u>\$44,544,000</u>
TOTAL APPROPRIATION ((\$148,162,000))	<u>\$149,272,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and ((~~\$725.11~~)) \$725.17 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 515. 2003 1st sp.s. c 25 s 515 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2004) ((\$65,385,000))	<u>\$64,366,000</u>
General Fund--State Appropriation (FY 2005) ((\$64,051,000))	<u>\$62,929,000</u>
General Fund--Federal Appropriation ((\$307,178,000))	<u>\$301,322,000</u>
TOTAL APPROPRIATION ((\$436,614,000))	<u>\$428,617,000</u>

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.15 per funded unit for the 2003-04 school year and (~~(\$433.03)~~) \$432.53 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 516. 2003 1st sp.s. c 25 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Fund--State Appropriation (FY 2004) ((\$203,123,000))	<u>\$214,107,000</u>
Student Achievement Fund--State Appropriation (FY 2005) ((\$195,080,000))	<u>\$195,535,000</u>
TOTAL APPROPRIATION ((\$398,203,000))	<u>\$409,642,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of (~~(\$211.67)~~) \$219.32 per FTE student for the 2003-04 school year and \$254.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

- (a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;
- (b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;
- (c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;
- (d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) For the 2003-04 school year, the office of the superintendent of public instruction shall distribute ten percent of the school year allocation to districts each month for the months of September through June. For the 2004-05 school year, the superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

Sec. 517. 2003 1st sp.s. c 25 s 517 (uncodified) is amended to read as follows:

K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.

State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.(End of part)

**PART VI
HIGHER EDUCATION**

Sec. 601. 2003 1st sp.s. c 25 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections 603 through 610 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

2003-04	2004-05
Annual	Annual
Average	Average

University of Washington

~~((32,427))~~ 32,458 ~~((32,427))~~ 32,796

Main campus

Bothell branch

1,235

1,235

Tacoma branch

~~((1,484))~~

1,494

~~((1,484))~~

1,494

Washington State University

~~((47,348))~~

17,479

~~((47,364))~~

17,670

Main campus

Spokane branch

~~((593))~~

616

~~((593))~~

616

Tri-Cities branch

~~((616))~~

633

~~((616))~~

633

Vancouver branch

~~((1,153))~~

1,162

~~((1,153))~~

1,162

	((7,666))	<u>7,809</u>	((7,666))	<u>7,934</u>
Central Washington University				
Eastern Washington University	((8,017))	<u>8,150</u>	((8,017))	<u>8,228</u>
The Evergreen State College	((3,837))	<u>3,871</u>	((3,837))	<u>3,908</u>
Western Washington University	((41,126))	<u>11,242</u>	((41,126))	<u>11,350</u>
State Board for Community and Technical Colleges	((126,070))	<u>127,189</u>	((126,070))	<u>128,412</u>
Higher Education Coordinating Board	((246))	<u>0</u>	((500))	<u>603</u>

(2)(a) In addition to the annual full-time equivalent student enrollments enumerated in this section, funding is provided in (i) section 603 of this act for additional community or technical college full-time equivalent student enrollments in high-demand fields of study and (ii) section 722 of this act (special appropriations to the governor) for additional full-time equivalent transfer student enrollments with junior-class standing.

(b) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

(3) It is the intent of the legislature that baccalaureate higher education institutions manage actual full-time equivalent student enrollments to be within a band of two percent of budgeted enrollments, over a period of three years.

Sec. 602. 2003 1st sp.s. c 25 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2004) (~~(\$507,960,000)~~)

\$509,539,000

General Fund--State Appropriation (FY 2005) (~~(\$517,854,000)~~)

\$526,108,000

Administrative Contingency Account--State Appropriation (~~(\$3,200,000)~~)

\$6,700,000

TOTAL APPROPRIATION (~~(\$1,029,014,000)~~)

\$1,042,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by January 30, 2004, to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; and (b) wage adjustments for part-time faculty.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in

communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to Clark Community College and Lower Columbia Community College to prepare a total of 168 full-time equivalent students for transfer to the engineering and science institute at the Vancouver branch campus of Washington State University. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to districts named in this subsection.

(6) \$640,000 of the general fund--state appropriation for fiscal year 2004 and \$640,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;
- (c) Centralia Community College;
- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;
- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and
- (l) South Puget Sound Community College.

(7) ~~\$28,761,000~~ of the general fund--state appropriation for fiscal year 2004 ~~((and \$28,761,000))~~, \$25,261,000 of the general fund--state appropriation for fiscal year 2005, and \$3,500,000 of the administrative contingency account--state appropriation are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to ~~((6,200))~~ 7,219 full-time equivalent students in each fiscal year.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$2,950,000 of the administrative contingency account--state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, as well as successful partnerships being supported by these state funds.

(10) \$250,000 of the administrative contingency account--state appropriation is provided solely and on a one-time basis to start up a college district consortium organized under the name "alliance for corporate education." Financial operations shall be self-sustaining by no later than June 30, 2005, after which time any amount remaining unexpended from this amount shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(12) \$212,000 of the general fund--state appropriation for fiscal year 2004 and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution to bring a program of upper-division courses to Bremerton. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(13) ~~\$6,304,000~~ of the general fund--state appropriation for fiscal year 2004 and ~~(((\$6,305,000))~~ \$9,868,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields.

(a) High-demand fields means (i) health services, (ii) applied science and engineering, (iii) viticulture and enology, ~~((and))~~ (iv) information technology, and (v) expansion of worker retraining programs. The state board shall allocate resources among the four areas specified in this subsection and shall manage a competitive

process for awarding resources for health services, viticulture, enology, and applied science and engineering programs.

(b) The state board shall provide information on the number of additional headcount and full-time equivalent students enrolled in high-demand fields (~~(by November 1 of each fiscal year)~~) at the conclusion of each academic year, as soon as final enrollment data becomes available, to the office of financial management and the fiscal and higher education committees of the legislature.

(14) \$111,000 of the general fund--state appropriation for fiscal year 2004 and \$86,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. From these sums, the state board shall allocate:

(a) \$75,000 a year to Walla Walla community college for its associate science and associate arts degree programs for the purpose of vineyard and wine-making equipment purchases, student labor, instructional supplies, field work, and travel expenses;

(b) \$25,000 on a one-time basis to Wenatchee community college for the purpose of adapting its orchard employee educational program; and

(c) \$22,000 on a one-time basis to Yakima Valley community college for the purpose of vineyard and wine-making equipment and supply purchases.

The college districts named in this subsection are encouraged to seek a portion of the high-demand student enrollment funding made available on a competitive basis through the state board to address their respective need for additional instructors and professional staff.

(15) \$300,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the transition math project to address the need to reduce remedial math courses taken at institutions of higher education.

(a) The project will bring together representatives from the K-12 system, the two-year college system, and the public four-year institutions of higher education to: (i) Align standards and expectations for mathematics so that high school graduates will be well prepared to enter college-level math courses; (ii) increase student success in completing math requirements in high school and college through careful attention to improved instruction and assessment; and (iii) communicate math expectations to students through clear and consistent messages and focused educational advising. The state board for community and technical colleges will serve as fiscal agent for the project.

(b) By December 1, 2004, the state board, in coordination with the K-12 system and the public four-year institutions of higher education, shall provide a progress report on the transition math project to the office of financial management and the fiscal and higher education committees of the legislature. A final report will be submitted by December 1, 2005 and shall identify specific strategies implemented to reduce remedial math courses taken at higher education institutions, as well as a long-term plan to achieve measurable and specific improvements each academic year for substantial progress towards the achievement of this goal.

Sec. 603. 2003 1st sp.s. c 25 s 604 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2004) \$311,628,000

General Fund--State Appropriation (FY 2005) (~~(\$319,584,000)~~)

\$325,668,000

General Fund--Private/Local Appropriation \$300,000

Death Investigations Account--State Appropriation \$261,000

Accident Account--State Appropriation \$5,937,000

Medical Aid Account--State Appropriation \$5,960,000

TOTAL APPROPRIATION (~~(\$643,670,000)~~)

\$649,754,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund--state appropriation for fiscal year 2004 and \$1,875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2004 as to its progress and future steps.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) The entire death investigations account appropriation is provided for the forensic pathologist fellowship program.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Olympic natural resources center.

(6) \$1,526,000 of the general fund--state appropriation for fiscal year 2004 and \$3,096,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for state match to attract or retain federal research grants in high demand and technologically advanced fields.

(8) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in Chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(9) \$2,275,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for a proteomics center and an autism center. Of the amount provided in this subsection, \$1,600,000 is provided solely for the University of Washington school of medicine for recruitment of biosciences research faculty to establish a proteomics center and \$675,000 is provided solely as one-time funding to establish an autism center at the University of Washington Tacoma campus. The amount provided for the proteomics center is contingent on receipt of \$6,000,000 in one-time, nonstate matching funds. If the nonstate matching funds are not received by June 30, 2005, \$1,600,000 of the amount provided in this subsection shall lapse.

(10) \$1,897,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the training and support of primary care physicians and primary care providers through the network of family practice residency programs. All of the funding provided in this section shall be distributed directly to the family practice residency programs to assist with cost increases experienced by the programs, including the cost of medical malpractice premiums.

(11) The University of Washington shall present a preliminary report to the fiscal committees of the legislature detailing the use of state research funds by November 1, 2004, and shall present a final report by November 1, 2005. For each research project supported by the state general fund in the 2003-05 biennium, including projects funded in the university's base budget, the report shall include: (a) A brief description of the research project; (b) the amount of state and institutional funds contributed to the project; (c) the level of federal or other sources of match received for the state's investment; and (d) any other information deemed pertinent by the institution.

(12) By December 15, 2004, the University of Washington Bothell shall submit to the higher education and fiscal committees of the legislature a plan to phase in lower-division courses at the campus. At a minimum, the following issues should be addressed in the plan:

(a) An enrollment plan that provides adequate capacity for community college transfer students;

(b) Appropriate levels of state general fund support and tuition and fees for the campus, commensurate with a role and mission similar to a comprehensive university;

(c) Identification of any start-up costs to implement the phase-in of lower division courses; and

(d) Other issues deemed pertinent by the institution.

Sec. 604. 2003 1st sp.s. c 25 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2004) \$185,265,000

General Fund--State Appropriation (FY 2005) (~~(\$189,954,000)~~)

\$191,047,000

Washington State University Building Account--State Appropriation \$150,000

TOTAL APPROPRIATION (~~(\$375,369,000)~~)

\$376,462,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$507,000 of the general fund--state appropriation for fiscal year 2004 and \$1,014,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand the entering class of veterinary medicine students by 16 full-time equivalent residents each academic year during the 2003-05 biennium.

(2) \$657,000 of the general fund--state appropriation for fiscal year 2004, \$180,000 of the general fund--state appropriation for fiscal year 2005, and the entire Washington state university building account appropriation are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. In consideration of these appropriations, the legislature intends to provide ongoing support of not less than \$180,000 a year for extension field personnel and services. The balance of the amount provided from the fiscal year 2004 appropriation is provided on a one-year basis to enable the university to appoint jointly shared faculty between the Pullman main campus and its branch campus in the TriCities. The legislature expects the university to meet ongoing faculty, staff, and related expenses to support the delivery of baccalaureate degree programs in viticulture and enology by making a successful bid for a portion of high-demand enrollment funding that will be distributed on a competitive basis by the state higher education coordinating board for student instruction pursuant to section 610(3) of this act.

(3) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation in full to the branch campus in Vancouver to create and operate a state institute for engineering and science in partnership with Clark and Lower Columbia community colleges and regional industry leaders in southwest Washington. As a condition of this appropriation, the university shall develop and provide to the satisfaction of the office of financial management a business plan for the new institute. The university, together with its two-year college and industry partners, shall provide the governor, legislature, and state higher education coordinating board with an annual summary of its progress to produce more graduates trained in applied science technologies and engineering. Annual reports to inform and advise policymakers of the partners' success, emerging issues, and resource needs if any shall occur by no later than November 15 during the 2003-05 biennium.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(5) \$165,000 of the general fund--state appropriation for fiscal year 2004 and \$166,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(6) \$949,000 of the general fund--state appropriation for fiscal year 2004 and \$1,927,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for research to develop alternative control mechanisms for burrowing shrimp.

(8) Washington State University shall present a preliminary report to the fiscal committees of the legislature detailing the use of state research funds by November 1, 2004, and shall present a final report by November 1, 2005. For each research project supported by the state general fund in the 2003-05 biennium, including projects funded in the university's base budget, the report shall include: (a) A brief description of the research project; (b) the amount of state and institutional funds contributed to the project; (c) the level of federal or other sources of match received for the state's investment; and (d) any other information deemed pertinent by the institution.

(9)(a) By December 15, 2004, Washington State University Vancouver shall submit to the higher education and fiscal committees of the legislature a plan to phase in lower-division courses at the campus. At a minimum, the following issues should be addressed in the plan:

(i) An enrollment plan that provides adequate capacity for community college transfer students;

(ii) Appropriate levels of state general fund support and tuition and fees for the campus, commensurate with a role and mission that includes an innovative combination of instruction and research suitable for meeting the region's needs for access as well as supporting the expansion of the region's economic viability;

(iii) Capital needs;

(iv) Identification of any start-up costs to implement the phase-in of lower-division courses; and

(v) Other issues deemed pertinent by the institution.

(b) In developing its plan, Washington State University Vancouver shall solicit input from students, local community and technical colleges, the main campus, and community stakeholders such as economic development councils and business and labor leaders.

Sec. 605. 2003 1st sp.s. c 25 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2004) \$40,861,000

General Fund--State Appropriation (FY 2005) (~~(\$42,183,000)~~)

\$42,620,000

TOTAL APPROPRIATION (~~(\$83,044,000)~~)

\$83,481,000

The appropriations in this section are subject to the following conditions and limitations: \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 606. 2003 1st sp.s. c 25 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2004) \$39,765,000

General Fund--State Appropriation (FY 2005) (~~(\$41,391,000)~~)

\$42,291,000

TOTAL APPROPRIATION (~~(\$81,156,000)~~)

\$82,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,050,000 of the general fund--state appropriation for fiscal year 2004 and \$1,050,000 of the general fund--state appropriation for fiscal year 2005 are provided to expand university enrollment by 196 full-time equivalent students.

(2) \$206,000 of the general fund--state appropriation for fiscal year 2004 and \$418,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 607. 2003 1st sp.s. c 25 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2004) (~~(\$22,881,000)~~)

\$22,856,000

General Fund--State Appropriation (FY 2005) (~~(\$23,618,000)~~)

\$24,035,000

TOTAL APPROPRIATION (~~(\$46,499,000)~~)

\$46,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the general fund--state appropriation for fiscal year 2004 and \$252,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) The Washington state institute for public policy shall research the following issues and provide reports to the legislature as directed. The institute board shall prioritize and schedule all studies based on staff capacity.

(a) \$110,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to review research assessing the effectiveness of prevention and early intervention programs concerning children and youth, including but not limited to, programs designed to reduce the at-risk behaviors for children and youth identified in RCW 70.190.010(4).

Using this research, the institute shall identify specific research-proven programs that produce a positive return on the dollar compared to the costs of the program. The institute shall also develop criteria designed to ensure quality implementation and program fidelity of research-proven programs in the state. The criteria shall include measures for ongoing monitoring and continual improvement of treatment delivery, and shall be feasible for inclusion in a contract for services. The institute shall develop recommendations for potential state legislation that encourages local government investment in research-proven prevention and early intervention programs by reimbursing local governments for a portion of the savings that accrue to the state as the result of local

investments in such programs. The institute shall present a preliminary report of its findings to the appropriate committees of the legislature by December 1, 2003, and shall present a final report by ~~((March))~~ July 1, 2004.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to develop adherence and outcome standards for measuring the effectiveness of treatment programs referred to in Chapter 378, Laws of 2003 (ESSB 5903). The standards shall be developed and presented to the governor and legislature by no later than January 1, 2004.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to study the relationship between prison overcrowding and construction, and the current state criminal sentencing structure.

(i) The institute shall determine whether any changes could be made to the current state sentencing structure to address prison overcrowding and the need for new prison construction, giving great weight to the primary purposes of the criminal justice system. These purposes include: Protecting community safety; making frugal use of state and local government resources by concentrating resources on violent offenders and sex offenders who pose the greatest risk to our communities; achieving proportionality in sentencing; and reducing the risk of reoffending by offenders in the community.

(ii) In developing its research plan, the institute may consult with the sentencing guidelines commission, the caseload forecast council, and interested stakeholders.

(iii) The institute for public policy shall present a preliminary report of its findings to the governor and to the appropriate standing committees of the legislature by December 15, 2003, and shall present a final report regarding its findings and recommendations by March 15, 2004.

(d) \$12,000 of the general fund--state appropriation for fiscal year 2004 and \$12,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state institute for public policy to examine the results of the changes in earned release under Chapter 379, Laws of 2003 (ESSB 5990). The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes under the bill. The institute shall report its findings to the governor and appropriate committees of the legislature by no later than December 1, 2008.

(e) ~~(((\$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000))~~ \$65,000 of the general fund--state appropriation for fiscal year 2005 ~~((are))~~ is provided solely for the Washington state institute for public policy to conduct the evaluation outlined in Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If ~~((the))~~ neither bill is ~~((not))~~ enacted by June 30, ~~((2003))~~ 2004, the amount provided in this subsection shall lapse.

(f) \$150,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the Washington state institute for public policy to implement the study in Engrossed Substitute House Bill No. 2400 (sex crimes against minors). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse. The institute shall conduct the study required by the bill in a manner that does not duplicate the study required by the sentencing guidelines commission in this act.

(g) \$25,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the Washington state institute for public policy to examine issues related to the state's transitional bilingual education program. The examination shall include, but is not limited to, a review of the following issues: Trends in enrollment and average length of stay in the transitional bilingual program; the different types of programs and delivery methods that exist in Washington state and other states; the academic and language acquisition effectiveness of different types of programs and service delivery methods; the cost benefits of these different types of programs and service delivery methods; and potential changes that would result in more effective program delivery and cost-effectiveness. The office of superintendent of public instruction shall provide technical assistance and needed data to assist in the institute's examination. The institute shall provide a report of its findings to the governor and appropriate committees of the legislature by December 1, 2004.

Sec. 608. 2003 1st sp.s. c 25 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2004) \$53,645,000

General Fund--State Appropriation (FY 2005) ~~(((\$55,537,000))~~

\$56,127,000

TOTAL APPROPRIATION ~~(((\$109,182,000))~~

\$109,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$980,400 of the general fund--state appropriation for fiscal year 2004 and \$980,400 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial

management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 609. 2003 1st sp.s. c 25 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2004) ((\$4,952,000))	\$4,988,000
General Fund--State Appropriation (FY 2005) ((\$7,716,000))	\$11,584,000
General Fund--Federal Appropriation ((\$642,000))	\$649,000
TOTAL APPROPRIATION ((\$13,310,000))	\$17,221,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, funds are provided to continue the teacher training pilot program pursuant to chapter 28B.80 RCW until standing authority for this program expires as scheduled on January 1, 2005.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2004 and \$175,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

(3) (~~(\$2,755,000)~~) \$2,740,000 of the general fund--state appropriation for fiscal year 2004 and (~~(\$5,520,000)~~) \$9,098,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to contract for (~~(246)~~) 247 full-time equivalent students in high demand fields in fiscal year 2004 and an additional (~~(254)~~) 603 full-time equivalent students in high demand fields in fiscal year 2005. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. Of the amounts provided, up to \$70,000 may be used for management of the competitive process for awarding high-demand student FTEs during the 2003-05 biennium.

(a) The board will manage a competitive process for awarding high-demand student FTEs. Public baccalaureate institutions and independent four-year institutions are eligible to apply for funding and may submit proposals (~~(that include cooperative partnerships with private independent institutions)~~). Independent four-year institutions must comply with standards and reporting requirements established by the board to ensure accountability. Any funding provided to an independent four-year institution is solely for the biennial budget period.

(b) Among coequals, the board shall make it a priority to fund proposals that prepare students for careers in (i) nursing and other health services; (ii) applied science and engineering; (iii) teaching and speech pathology; (iv) computing and information technology; and (v) viticulture and enology, but not to the exclusion of compelling proposals that document specific regional student and employer demand in fields not listed in this subsection. Proposals and grant awards will separately identify one-time, nonrecurring costs and ongoing costs.

(c) The board will establish a proposal review committee that will include, but not be limited to, representatives from the board, the office of financial management, and economic development and labor market analysts. The board will develop the request for proposals, including the criteria for awarding grants, in consultation with the proposal review committee.

(d) Baccalaureate institutions that receive grants shall provide the board and the forecast division of the office of financial management with data specified by the board or the office of financial management that shows the impact of this subsection, particularly the degree of improved access to high-demand programs for students and successful job placements for graduates. The board will report on the implementation of this subsection by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

(4) \$205,000 of the general fund--state appropriation in fiscal year 2005 is provided solely for a comprehensive and ongoing assessment system as outlined in Substitute House Bill No. 3103 (higher education). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to evaluate the policy alternatives described in this subsection.

(a) By December 15, 2004, the board shall provide a report of the evaluation to the governor and the fiscal and higher education committees of the legislature. This evaluation, where appropriate, shall incorporate the analysis and recommendations that are contained in (i) the final strategic master plan for higher education adopted by the board in June 2004 and (ii) the public agenda for higher education as presented and refined by the national collaborative for postsecondary education.

- (b) For each policy alternative, the board shall identify:
- (i) The implementation costs in the 2005-07, 2007-09, and 2009-11 biennia from both the state general fund and tuition revenue;
 - (ii) The distribution of enrollments by specific institution, location, and type of program;
 - (iii) The allocation to high demand and general enrollments;
 - (iv) The methods of delivery;
 - (v) The capital facility needs to ensure the physical and quality capacity of the institutions; and
 - (vi) The funding needs for financial aid and the implications for students depending on whether these needs are met.
- (c) The policy alternatives to be evaluated shall include, but are not limited to:
- (i) Current participation and distribution of enrollments by institution and sector are maintained; general fund subsidy and total funding increase at the rate of the consumer price index; no capital funding is provided to increase capacity; and the state need grant policies are maintained;
 - (ii) Graduation rates and participation rates are in the top quarter of all states, overall and within each sector, such as community colleges, comprehensive universities, and research universities; enrollments are distributed to sectors and locations based upon population demand, and include evaluation of demand in Puget Sound and southwest Washington; the state general fund subsidy increases to pay for new enrollments at peer averages; total funding increases to peer averages, capital funding increases to meet growth, and current state need grant practices are maintained;
 - (iii) Graduation rates and participation rates are in the top quarter of all states, overall and within each sector; enrollments are distributed to sectors and locations based upon population demand, and include evaluation of demand in Puget Sound and southwest Washington; state general fund increases pay for estimated increases in financial need; total funding increases to peer averages, capital funding increases to meet growth, and current state need grant practices are maintained, plus state funding to meet increased need;
 - (iv) The tuition levels necessary to achieve total funding per student to average level in other states;
 - (v) Financial aid increases so that half of all students are able to graduate debt free based on information provided to the institutions of higher education, and, for those who have loan repayment obligations, the obligations do not exceed 10 percent of graduates' average annual post-graduation income; and
 - (vi) Engaging private independent colleges by replacing the state general fund subsidy for public institutions with vouchers, which students may use at any accredited higher education institution.
- (d) In evaluating these policy alternatives, the board shall construct a simulation model of the impacts and costs. The purpose of the model is to assist the legislature and governor in evaluating various investment alternatives. The board shall consult with the office of financial management, staff of the legislative fiscal and higher education committees, and public and private higher education institutions to refine the policy alternatives and delineate the content of the model. The public institutions, the office of financial management, and the legislative evaluation and accountability program committee shall cooperate with the board in providing information to construct the model. The model shall be operational by December 15, 2004.
- (e) The governor's office, with assistance from the higher education coordinating board, may create a prototype of a research university performance contract.
- (i) The prototype performance contract shall, at a minimum: (A) Reflect statewide goals and priorities of the legislature; (B) contain goals and commitments from both the institutions and the state; (C) include quantifiable performance measures and benchmarks; (D) identify specific resources needed to implement the contract; (E) and include any other information deemed pertinent by the governor.
 - (ii) By December 1, 2004, the governor shall submit to the higher education and fiscal committees of the legislature the prototype performance contract, including any implementing legislation.

Sec. 610. 2003 1st sp.s. c 25 s 611 (uncodified) is amended to read as follows:
FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2004) ((\$145,217,000))	\$145,228,000
General Fund--State Appropriation (FY 2005) ((\$154,412,000))	\$163,345,000
General Fund--Federal Appropriation ((\$7,530,000))	\$7,537,000
TOTAL APPROPRIATION ((\$307,159,000))	\$316,110,000

The appropriations in this section are subject to the following conditions and limitations:
 (1) \$259,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the western interstate commission for higher education.

(2) ~~\$1,100,000~~ of the general fund--state appropriation for fiscal year 2004 and ~~((~~\$1,100,000~~))~~ \$3,100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2003-04 and 2004-05 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(5) \$111,628,000 of the general fund--state appropriation for fiscal year 2004 and ~~((~~\$120,420,000~~))~~ \$124,901,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(6) \$17,048,000 of the general fund--state appropriation for fiscal year 2004 and \$17,048,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (12) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(7) \$2,867,000 of the general fund--state appropriation for fiscal year 2004 and \$2,867,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for educational opportunity grants pursuant to Chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award.

(8) \$1,919,000 of the general fund--state appropriation for fiscal year 2004 and \$2,155,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence.

(9) \$794,000 of the general fund--state appropriation for fiscal year 2004 and \$845,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(10) \$246,000 of the general fund--state appropriation for fiscal year 2004 and \$246,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation.

(11) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$6,050,000 of the general fund--state appropriation for fiscal year 2004 and ~~((~~\$6,050,000~~))~~ \$8,390,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington promise scholarship program. For fiscal year 2005, the income eligibility for the graduating high school class of 2004 shall not exceed one hundred twenty percent of the state median family income adjusted for family size. The income eligibility for the graduating high school class of 2003 shall be retained at one hundred thirty-five percent of the state median family income adjusted for family size.

(12) ~~((~~\$2,667,000~~))~~ \$2,678,000 of the general fund--state appropriation for fiscal year 2004 and ~~((~~\$2,768,000~~))~~ \$2,820,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (6) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

(13) \$539,000 of the general fund--state appropriation for fiscal year 2004 and \$540,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the displaced homemakers program.(End of part)

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. 2003 1st sp.s. c 25 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2004) ((\$570,186,000))	<u>\$655,886,000</u>
General Fund--State Appropriation (FY 2005) ((\$626,814,000))	<u>\$528,766,000</u>
Debt-Limit General Fund Bond Retirement Account--State Appropriation ((\$10,000,000))	<u>\$17,300,000</u>
State Building Construction Account--State Appropriation ((\$7,014,000))	<u>\$8,922,000</u>
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation \$2,587,000	
State Taxable Building Construction Account--State Appropriation ((\$322,000))	<u>\$465,000</u>
<u>Gardner-Evans Higher Education Construction Account--State Appropriation \$2,087,000</u>	
TOTAL APPROPRIATION ((\$1,216,923,000))	<u>\$1,216,013,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004.

Sec. 702. 2003 1st sp.s. c 25 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2004) \$26,394,000	
General Fund--State Appropriation (FY 2005) \$24,805,000	
Capitol Historic District Construction Account--State Appropriation ((\$299,000))	<u>\$323,000</u>
Higher Education Construction Account--State Appropriation \$238,000	
State Vehicle Parking Account--State Appropriation \$102,000	
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$128,375,000	
TOTAL APPROPRIATION ((\$180,213,000))	<u>\$180,237,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 703. 2003 1st sp.s. c 25 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2004) \$526,000	
General Fund--State Appropriation (FY 2005) \$526,000	
Higher Education Construction Account--State Appropriation \$35,000	
State Building Construction Account--State Appropriation ((\$2,032,000))	<u>\$2,083,000</u>
State Vehicle Parking Account--State Appropriation \$17,000	
Capitol Historic District Construction Account--State Appropriation \$45,000	
State Taxable Building Construction Account--State Appropriation ((\$50,000))	<u>\$60,000</u>
<u>Gardner-Evans Higher Education Construction Account--State Appropriation \$180,000</u>	
TOTAL APPROPRIATION ((\$3,231,000))	<u>\$3,472,000</u>

Sec. 704. 2003 1st sp.s. c 25 s 709 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2004) \$8,243,000	
General Fund--State Appropriation (FY 2005) ((\$38,879,000))	<u>\$33,909,000</u>

Dedicated Funds and Accounts Appropriation ((\$41,232,000))	<u>\$38,822,000</u>
TOTAL APPROPRIATION ((\$88,354,000))	<u>\$80,974,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in (a) LEAP document 2003-38, a computerized tabulation developed by the legislative evaluation and accountability program committee on June 2, 2003, and (b) LEAP document 2004-38 dated March 10, 2004, which (~~is~~) are hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2003-38 and LEAP document 2004-38, and adjust appropriation schedules accordingly.

(2)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$504.89 per eligible employee for fiscal year 2004, and (~~(\$592.30)~~) \$584.58 for fiscal year 2005.

(b) Within the rates in (a) of this subsection, \$4.13 per eligible employee shall be included in the employer funding rate for fiscal year 2004, and \$2.11 per eligible employee shall be included in the employer funding rate for fiscal year 2005, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2004, through December 31, 2004, the subsidy shall be \$102.35. Starting January 1, 2005, the subsidy shall be \$116.19 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$42.76 per month beginning September 1, 2003, and (~~(\$49.14)~~) \$45.50 beginning September 1, 2004;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$42.76 each month beginning September 1, 2003, and (~~(\$49.14)~~) \$45.50 beginning September 1, 2004, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The appropriations in this section include amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (2) of this section, consistent with the 2003-2005 transportation appropriations act.

Sec. 705. 2003 1st sp.s. c 25 s 712 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2004) \$10,468,000

General Fund--State Appropriation (FY 2005) (~~(\$10,468,000)~~)

TOTAL APPROPRIATION (~~(\$20,936,000)~~)

\$9,264,000

\$19,732,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is for appropriation to the education technology revolving account for the purpose of

covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

Sec. 706. 2003 1st sp.s. c 25 s 715 (uncodified) is amended to read as follows:

INCREASED FEDERAL ASSISTANCE.

(1) If the department of social and health services or the department of veterans affairs receives federal funding to enhance the federal medical assistance percentage for the 2001-2003 (~~or 2003-2005 fiscal biennia~~) biennium as a result of the jobs and growth tax relief reconciliation act of 2003 (P.L. 108-27), the moneys shall be expended as an unanticipated receipt under RCW 43.79.270 and 43.79.280, subject to the following conditions and limitations:

- (a) The moneys shall be expended in the manner required by the federal act;
- (b) The federal moneys shall be expended in a manner that will maximize the conservation of state moneys, which shall be placed in reserve status and remain unexpended; and
- (c) The director of financial management shall notify the appropriate legislative fiscal committees of proposed allotment modifications prior to expenditure of the federal moneys.

(2) If the state receives federal funding for the 2001-2003 or 2003-2005 fiscal biennia as a result of the jobs and growth tax relief reconciliation act of 2003 (P.L. 108-27) in addition to the funding described in subsection (1) of this section, the moneys may be expended as an unanticipated receipt under RCW 43.79.270 and 43.79.280, subject to the following conditions and limitations:

- (a) The moneys shall be expended in the manner required by the federal act;
- (b) The federal moneys shall be expended for necessary state services and in a manner that will maximize the conservation of state moneys, which shall be placed in reserve status and remain unexpended; and
- (c) The director of financial management shall notify the appropriate legislative fiscal committees of proposed allotment modifications prior to expenditure of the federal moneys.

Sec. 707. 2003 1st sp.s. c 25 s 718 (uncodified) is amended to read as follows:

AGENCY EXPENDITURES FOR TORT LIABILITY.

General Fund--State Appropriation (FY 2005) (\$10,638,000)

Dedicated Funds and Accounts Appropriation (\$4,317,000)

TOTAL APPROPRIATION (\$14,955,000)

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall (~~reduce allotments for all agencies by \$10,638,000 from 2003-05 biennial general fund appropriations in this act~~) update agency appropriation schedules to reflect the reduction in contributions to the liability account(~~—The general fund allotment reduction shall be placed in unallotted status and remain unexpended~~) as identified by agency and account in LEAP document 2004-05 dated February 21, 2004, which is hereby incorporated by reference.

NEW SECTION. Sec. 708. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

AGENCY EXPENDITURES FOR TORT LIABILITY. The office of financial management shall reduce allotments for all agencies by \$1,203,000 from fiscal year 2005 general fund--state appropriations in this act to reflect the reduction in state tort expenses. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

Sec. 709. 2003 1st sp.s. c 25 s 723 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of (~~general administration~~) the office of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Kelly C. Schwartz, claim number SCJ 03-10 \$18,250
- (b) Clinton Johnston, claim number SCJ 04-02 \$8,225
- (c) Johnny Riley, claim number SCJ 04-05 \$1,500
- (d) Gregory Nichols, claim number SCJ 04-06 \$3,995
- (e) William Poll, claim number SCJ 04-07 \$31,106
- (f) John Obert, claim number SCJ 04-09 \$15,957
- (g) David McCown, claim number SCJ 04-10 \$2,900

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:

- (a) Circle S Landscape Supplies, claim number

SCG 03-05 \$49,380

- (b) Marilyn Lund Farms, claim number SCG 03-08 \$17,175
- (c) Paul Gibbons, claim number SCG 03-09 \$12,414
- (d) Bud Hamilton, claim number SCG 03-10 \$15,591
- (e) Richard Anderson, claim number SCG 03-11 \$75,933
- (f) Neil Ice, claim number SCG 03-12 \$73,474
- (g) Carl Anderson, claim number SCG 03-13 \$120,943
- (h) Lafe Wilson, claim number SCG 04-02 \$626
- (i) Richard Anderson, claim number SCG 04-04 \$28,998

NEW SECTION. Sec. 710. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--HELP AMERICA VOTE ACT
General Fund--State Appropriation (FY 2004) \$3,140,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the state election account.

NEW SECTION. Sec. 711. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2005) \$150,000
General Fund--Federal Appropriation \$25,000
General Fund--Private/Local Appropriation \$3,000
Special Account Retirement Contribution Increase Revolving Account Appropriation \$100,000
TOTAL APPROPRIATION \$278,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations to reflect a 0.01 percent increase in employer pension contributions to the public employees' retirement system and the teachers' retirement system required to implement House Bill No. 2538 (\$1000 minimum benefit). If the bill is not enacted by June 30, 2004, the appropriations provided in this section shall lapse.

(2) The appropriations from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP document 2004-39, a computerized tabulation developed by the legislative evaluation and accountability program committee on March 8, 2004, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2004-39, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 712. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--MADER LAWSUIT SETTLEMENT
General Fund--State Appropriation (FY 2005) \$11,000,000

The appropriation in this section is provided solely for the purposes of settling all claims in *Mader et al. v. Health Care Authority and State of Washington* (cause number 98-2-30850-8SEA). The expenditure of this appropriation is contingent on the release of all claims in the case, and total settlement costs shall not exceed the appropriation in this section.

If settlement is not executed by June 30, 2004, the appropriation in this section shall lapse.

NEW SECTION. Sec. 713. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2004) \$954,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to the following counties in the amounts designated for extraordinary criminal justice costs:

King \$807,000

Pacific \$147,000

NEW SECTION. **Sec. 714.** A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF THE GOVERNOR--JOINT TASK FORCE ON MENTAL HEALTH

General Fund--State Appropriation (FY 2005) \$50,000

General Fund--Federal Appropriation \$30,000

TOTAL APPROPRIATION \$80,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for a joint legislative and executive task force on mental health services delivery and financing. The joint task force shall consist of eight members, as follows: The secretary of the department of social and health services or his or her designee; the president of the Washington state association of counties or his or her designee; a representative from the governor's office; two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; and the chair of the joint legislative audit and review committee or his or her designee. Staff support for the joint task force shall be provided by the office of financial management, the house of representatives office of program research, and senate committee services.

(2) The joint task force may create advisory committees to assist the joint task force in its work.

(3) Joint task force members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060 and chapter 44.04 RCW, as appropriate. Advisory committee members, if appointed, shall not receive compensation or reimbursement for travel or expenses.

(4) The joint task force shall assess and make recommendations related to:

(a) Progress made by the department of social and health services and the regional support networks (i) towards implementation of a performance-based measurement system that focuses on outcomes for consumers served by the mental health system, and (ii) to reduce duplicative and burdensome administrative and oversight requirements;

(b) The funding requirements for mental health services for nonmedicaid consumers for the priority populations under chapter 71.24 RCW;

(c) The extent to which the current funding distribution methodology achieves equity in funding and access to services for mental health services consumers;

(d) The administrative structure of the community mental health system as it relates to effectively meeting the goals established in statute;

(e) The most effective and efficient mental health funding and payment models (including capitated managed care), in light of requirements of the federal balanced budget act of 1997 related to state medicaid managed care contracting; and

(f) The types, numbers, and locations of inpatient psychiatric hospital and community residential beds in both the private and public sector.

(5) The joint task force shall report its initial findings and recommendations to the governor and appropriate committees of the legislature by January 1, 2005, and its final findings and recommendations by June 30, 2005.

Sec. 715. 2003 1st sp.s. c 25 s 710 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2003, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2004) (~~(\$21,256,000)~~)

\$20,256,000

General Fund--State Appropriation (FY 2005) (~~(\$20,914,000)~~)

\$21,414,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2004) (~~(\$6,000,000)~~)

\$5,995,000

General Fund--State Appropriation (FY 2005) (~~(\$6,000,000)~~)

\$5,995,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2004) \$500,000

General Fund--State Appropriation (FY 2005) \$500,000

TOTAL APPROPRIATION (~~(\$55,170,000)~~)

\$54,660,000

Sec. 716. 2003 1st sp.s. c 25 s 720 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE

General Fund--Federal Appropriation \$5,000,000

General Fund--State Appropriation (FY 2005) \$4,000,000

TOTAL APPROPRIATION \$9,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriations in this section to the following counties in the amounts designated:

	FY 2004	<u>FY 2005</u>
Adams	\$334,400	<u>\$267,520</u>
Asotin	\$361,900	<u>\$289,520</u>
Columbia	\$679,700	<u>\$543,760</u>
Douglas	\$264,000	<u>\$211,200</u>
Ferry	\$283,600	<u>\$226,880</u>
Garfield	\$759,800	<u>\$607,840</u>
Island	\$66,400	<u>\$53,120</u>
Lincoln	\$297,700	<u>\$238,160</u>
Mason	\$298,000	<u>\$238,400</u>
Okanogan	\$280,000	<u>\$224,000</u>
Pacific	\$89,700	<u>\$71,760</u>
Pend Oreille	\$181,600	<u>\$145,280</u>
Skamania	\$88,000	<u>\$70,400</u>
Stevens	\$418,000	<u>\$334,400</u>
Wahkiakum	\$452,900	<u>\$362,320</u>
Walla Walla	\$144,300	<u>\$115,440</u>

TOTAL APPROPRIATIONS

\$5,000,000

\$4,000,000

NEW SECTION. Sec. 717. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND CONTRACTS.

The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$11,400,000 from fiscal year 2005 general fund--state appropriations in this act to reflect the elimination of expenditures identified in LEAP document 2004-32, a computerized tabulation developed by the legislative evaluation and accountability program committee on January 23, 2004. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 718. A new section is added to chapter 43.330 RCW to read as follows:
HOMELESS FAMILIES SERVICES FUND.

(1)(a) There is created in the custody of the state treasurer an account to be known as the homeless families services fund. Revenues to the fund consist of a one-time appropriation by the legislature, private contributions, and all other sources deposited in the fund.

(b) Expenditures from the fund may only be used for the purposes of the program established in this section, including administrative expenses. Only the director of the department of community, trade, and economic development, or the director's designee, may authorize expenditures.

(c) Expenditures from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

(2) The department may expend moneys from the fund to provide state matching funds for housing-based supportive services for homeless families over a period of at least ten years.

(3) Activities eligible for funding through the fund include, but are not limited to, the following:

(a) Case management;

(b) Counseling;

(c) Referrals to employment support and job training services and direct employment support and job training services;

(d) Domestic violence services and programs;

(e) Mental health treatment, services, and programs;

(f) Substance abuse treatment, services, and programs;

(g) Parenting skills education and training;

(h) Transportation assistance;

(i) Child care; and

(j) Other supportive services identified by the department to be an important link for housing stability.

(4) Organizations that may receive funds from the fund include local housing authorities, nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, and regional or statewide nonprofit housing assistance organizations. (End of part)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 821. 2003 1st sp.s. c 25 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions ((\$4,711,500))	<u>\$5,344,000</u>
General Fund Appropriation for public utility district excise tax distributions ((\$39,273,684))	<u>\$40,012,876</u>
General Fund Appropriation for prosecuting attorney distributions ((\$3,441,197))	<u>\$3,671,015</u>
General Fund Appropriation for boating safety and education distributions ((\$4,074,300))	<u>\$4,147,426</u>
General Fund Appropriation for other tax distributions \$34,750	
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$2,123,723	
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$187,068	
Timber Tax Distribution Account Appropriation for distribution to "timber" counties \$51,192,170	
County Criminal Justice Assistance Appropriation ((\$52,131,000))	<u>\$53,130,820</u>
Municipal Criminal Justice Assistance Appropriation ((\$21,069,000))	

	<u>\$21,069,120</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$32,624,831	
Liquor Revolving Account Appropriation for liquor profits distribution ((\$57,511,693))	<u>\$57,369,693</u>
TOTAL APPROPRIATION ((\$268,374,916))	<u>\$270,907,492</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2003 1st sp.s. c 25 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS.

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:	
For transfer to the state general fund \$10,000,000	
County Sale/Use Tax Equalization Account:	
For transfer to the state general fund for fiscal year 2004 \$74,000	
Financial Services Regulation Fund:	
For transfer to the state general fund at the beginning of fiscal year 2005 ((\$1,632,000))	<u>\$7,285,000</u>
Municipal Sale/Use Tax Equalization Account:	
For transfer to the state general fund for fiscal year 2004 \$374,000	
Asbestos Account:	
For transfer to the state general fund \$200,000	
Electrical License Account:	
For transfer to the state general fund \$7,000,000	
Local Toxics Control Account:	
For transfer to the state toxics control account \$4,059,000	
Pressure Systems Safety Account:	
For transfer to the state general fund \$1,000,000	
Health Services Account:	
For transfer to the water quality account \$8,182,000	
State Treasurer's Service Account:	
For transfer to the general fund ((\$10,000,000))	<u>\$14,000,000</u>
Public Works Assistance Account:	
For transfer to the drinking water assistance account \$8,387,000	
Tobacco Settlement Account:	
For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account ((\$185,000,000))	<u>\$181,000,000</u>
Health Service Account:	
For transfer to the violence reduction and drug enforcement account \$7,789,000	
Nisqually Earthquake Account:	
For transfer to the disaster response account \$6,200,000	
Industrial Insurance Premium Refund Account:	
For transfer to the state general fund \$577,000	
Public Service Revolving Account:	
For transfer to the state general fund \$1,600,000	
State Forest Nursery Revolving Account:	
For transfer to the state general fund, \$250,000 for fiscal year 2004 and \$250,000 for fiscal year 2005 \$500,000	
Flood Control Assistance Account:	
For transfer to the state general fund, \$1,350,000 for fiscal year 2004 and \$1,350,000 for fiscal year 2005 \$2,700,000	
Water Quality Account:	
For transfer to the water pollution control account ((\$10,500,000))	<u>\$14,034,513</u>
General Fund:	
For transfer to the water quality account, \$3,870,000 for fiscal year 2004 and	

\$4,557,000 for fiscal year 2005 \$8,427,000
Insurance Commissioner's Regulatory Account:
For transfer to the state general fund (~~(\$1,500,000)~~) \$2,500,000

Health Services Account:
For transfer to the tobacco prevention and control account (~~(\$24,216,000)~~) \$23,796,000

From the Emergency Reserve Fund:
For transfer to the state general fund, not to exceed the actual balance of the emergency reserve fund.
This transfer is intended to liquidate the emergency reserve fund (~~(\$59,350,000)~~) \$58,100,000

Department of Retirement Systems Expense Account:
For transfer to the state general fund (~~(\$1,500,000)~~) \$5,500,000

Woodstove Education and Enforcement Account:
For transfer to the air pollution control account \$600,000

Multimodal Transportation Account:
For transfer to the air pollution control account for fiscal year 2004. The amount transferred shall be deposited into the segregated subaccount of the air pollution control account created in Engrossed Substitute Senate Bill No. 6072, chapter 264, Laws of 2003. The state treasurer shall perform the transfer from the multimodal transportation account to the air pollution control subaccount on a quarterly basis \$4,170,726

Multimodal Transportation Account:
For transfer to the vessel response account for fiscal year 2004 \$1,213,704

Resource Management Cost Account:
For transfer to the contract harvesting revolving account \$250,000

Forest Development Account:
For transfer to the contract harvesting revolving account \$250,000

Site Closure Account:
For transfer to the state general fund \$13,800,000

Health Services Account:
For transfer to the general fund--state for fiscal year 2005 (~~(\$1,250,000)~~) \$46,250,000

K-20 Technology Account:
For transfer to the state general fund \$1,281

Gambling Revolving Fund, Nontribal Sources:
For transfer to the state general fund \$2,500,000

State Building Construction Account:
For transfer to the conservation assistance revolving account \$500,000

Wildlife Account:
For transfer to the special wildlife account, \$250,000 in fiscal year 2004 and \$250,000 in fiscal year 2005 \$500,000

Education Technology Revolving Account:
For transfer to the data processing revolving account \$296,000

Digital Government Revolving Account:
For transfer to the data processing revolving account \$154,000

Gambling Revolving Fund:
For transfer to the problem gambling treatment account. If Second Substitute House Bill No. 2776 is not enacted by June 30, 2004, this amount shall be transferred to the general fund \$500,000

Sec. 803. 2003 1st sp.s. c 25 s 806 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund--State Appropriation:

For transfer to the department of retirement systems expense account: For the administrative expenses of the judicial retirement system (~~(\$21,904)~~) \$12,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FUND BALANCE TRANSFER.

At the end of fiscal year 2004, the office of financial management shall transfer to the general fund-state fund balance the unspent federal fiscal relief grant moneys received as a result of P.L. 108-27 (federal jobs and growth tax relief reconciliation act of 2003). Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer.

NEW SECTION. Sec. 902. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

AGENCY EXPENDITURES FOR MOTOR VEHICLES.

The use of hybrid motor vehicles reduces air contaminants, greenhouse gas emissions and reliance on imported sources of petroleum. To foster the use of hybrid motor vehicles, beginning July 1, 2004, before the purchase or lease of a motor vehicle, state agencies should first consider the feasibility of hybrid motor vehicles. State agencies should strive to purchase or lease a hybrid motor vehicle when the use of such vehicle is consistent with and can accomplish the agency's mission and when the purchase is financially reasonable. The financial assessment should include savings accruing from reduced fuel purchases over the life of the vehicle. Agencies shall report on their purchases of hybrid vehicles in their biennial sustainability plans as required under executive order 02-03.

Sec. 903. RCW 9.46.100 and 2002 c 371 s 901 are each amended to read as follows:

There is hereby created the gambling revolving fund which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

During the (~~2001-~~)2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the problem gambling treatment account, contingent on enactment of chapter ..., Laws of 2004 (Second Substitute House Bill No. 2776, problem gambling treatment). Also during the 2003-2005 fiscal biennium, the legislature may transfer from the gambling revolving fund to the state general fund such amounts as reflect the excess nontribal fund balance of the fund (~~and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings~~). The commission shall not increase fees during the 2003-2005 fiscal biennium for the purpose of restoring the excess fund balance transferred under this section.

Sec. 904. RCW 28A.160.195 and 1995 1st sp.s. c 10 s 1 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. In fiscal year 2005, the superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes from school bus dealers to be in effect for one year and shall (a) except in fiscal year 2005, establish a list of the lowest competitive price quotes obtained under this subsection, and (b) in fiscal year 2005, establish a list of all accepted price quotes in each category obtained under this subsection.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote in each category.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from the dealer who is providing the lowest competitive price quote on the list established under subsection (2) of this section and in fiscal year 2005 from any dealer on the list established under subsection (2)(b) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under (~~this section~~) subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state. For the 2003-

05 fiscal biennium, school districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted pursuant to RCW 28A.335.190 or through the state bid process established by this section.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

Sec. 905. RCW 28B.102.040 and 1987 c 437 s 4 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, and an ability to act as a role model for targeted ethnic minority students. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802.

Subject to enactment of chapter . . . , Laws of 2004 (SHB 2708), for fiscal year 2005, additional priority shall be given to such individuals who are also bilingual. It is the intent of the legislature to develop a pool of dual-language teachers in order to meet the challenge of educating students who are dominant in languages other than English.

Sec. 906. RCW 28B.119.010 and 2003 c 233 s 5 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class. Beginning with the graduating class of 2004, a student's family income shall not exceed one hundred twenty percent of the state median family income adjusted for family size, as determined by the higher education coordinating board.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

Sec. 907. RCW 43.83.020 and 1991 sp.s. c 13 s 46 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

(2) During the 2003-2005 biennium, the legislature may transfer moneys from the state building construction account to the conservation assistance revolving account such amounts as reflect the excess fund balance of the account.

Sec. 908. RCW 43.88.030 and 2002 c 371 s 911 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency. However, documents submitted for the ~~((2003-05))~~ 2005-07 biennial budget request need not show expenditures by activity;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

- (q) Such other information bearing upon capital projects as the governor deems to be useful;
- (r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 909. RCW 43.105.830 and 1999 c 285 s 9 are each amended to read as follows:

(1) The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system. Disbursements from the account shall be on authorization of the director of the department of information services with approval of the board.

(2) During the 2003-2005 biennium, the legislature may transfer moneys from the K-20 technology account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 910. RCW 43.105.835 and 1999 c 285 s 10 are each amended to read as follows:

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used to pay for network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 43.105.820 and subject to the review and approval of the office of financial management, establish and implement a billing structure for network services identified in subsection (1) of this section.

(3) The department shall charge those public entities connected to the K-20 telecommunications [telecommunication system] under RCW 43.105.820 an annual copayment per unit of transport connection as determined by the legislature after consideration of the K-20 board's recommendations. This copayment shall be deposited into the revolving fund to be used for the purposes in subsection (1) of this section. It is the intent of the legislature to appropriate to the revolving fund such moneys as necessary to cover the costs for transport, maintenance, and depreciation of data equipment located at the individual public institutions, maintenance and depreciation of the network backbone, and services provided to the network under RCW 43.105.815.

(4) During the 2003-05 biennium, the legislature may transfer moneys from the education technology revolving fund to the state general fund and the data processing revolving fund such amounts as reflect the excess fund balance of the account.

Sec. 911. RCW 49.70.170 and 2001 2nd sp.s. c 7 s 913 are each amended to read as follows:

(1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. During the ~~((2001-))~~2003-2005 fiscal biennium, moneys in the fund may also be used by the military department for the purpose of assisting the state emergency response commission and coordinating local emergency planning activities. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall assess each employer who reported ten thousand four hundred or more worker hours in the prior calendar year an annual fee to provide for the implementation of this chapter. The department

shall promulgate rules establishing a fee schedule for all employers who reported ten thousand four hundred or more worker hours in the prior calendar year and are engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal office of management and budget, within major group numbers 01 through 08 (agriculture and forestry industries), numbers 10 through 14 (mining industries), numbers 15 through 17 (construction industries), numbers 20 through 39 (manufacturing industries), numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), and number 82 (educational services). The department shall establish the annual fee for each employer who reported ten thousand four hundred or more worker hours in the prior calendar year in industries identified by this section, provided that fees assessed shall not be more than two dollars and fifty cents per full time equivalent employee. The annual fee shall not exceed fifty thousand dollars. The fees shall be collected solely from employers whose industries have been identified by rule under this chapter. The department shall promulgate rules allowing employers who do not have hazardous substances at their workplace to request an exemption from the assessment and shall establish penalties for fraudulent exemption requests. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee or penalties pursuant to the procedures set forth in Title 51 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in Title 51 RCW. The employer from whom the fee or penalty is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee or penalty under written protest setting forth all the grounds upon which such fee or penalty is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to recover such fee or penalty or any portion of the fee or penalty which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter.

Sec. 912. RCW 69.50.520 and 2003 1st sp.s. c 25 s 930 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(~~((1))~~) (9)(a), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the 2003-2005 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, maintenance and operating costs of the juvenile rehabilitation administration's client activity tracking system, civil indigent legal representation, multijurisdictional narcotics task forces, and grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 913. RCW 74.46.431 and 2001 1st sp.s. c 8 s 5 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, (~~2004~~) 2005, direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, (~~2004~~) (2005), therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, (~~2004~~) 2005, support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, (~~2004~~) 2005, operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate

allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

Sec. 914. RCW 79.90.245 and 2002 c 371 s 923 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

In providing grants for aquatic lands enhancement projects, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefits in its prioritization and selection process. The department shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The department shall consult with affected interest groups in implementing this section.

During the fiscal biennium ending June 30, (~~2003~~) 2005, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement.

NEW SECTION. Sec. 915. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 916. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 9.46.100, 28A.160.195, 28B.102.040, 28B.119.010, 43.83.020, 43.88.030, 43.105.830, 43.105.835, 49.70.170, 69.50.520, 74.46.431, and 79.90.245; amending 2003 1st sp.s. c 25 ss 101, 102, 103, 104, 109, 110, 111, 113, 114, 115, 118, 121, 122, 123, 124, 125, 126, 128, 129, 137, 138, 140, 141, 135, 142, 143, 146, 147, 148, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 217, 219, 220, 221, 222, 226, 216, 225, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 703, 704, 709, 712, 715, 718, 723, 710, 720, 801, 805, and 806 (uncodified); adding a new section to chapter 43.330 RCW; adding new sections to 2003 1st sp.s. c 25 (uncodified); making appropriations; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Sommers, Sehlin, Kagi, Clements, Kenney, Mastin, Kessler, Carrell, Flannigan and Schual-Berke spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2459, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2459, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Chandler, Chase, Crouse, Hankins, Holmquist, McMahan, McMorris, Newhouse, Nixon, Schindler, Skinner and Sump - 12.

Excused: Representatives Edwards and Hinkle - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459.

SHIRLEY HANKINS, 8th District

POINT OF PERSONAL PRIVILEGE

Representative Sommers acknowledged and thanked the staff of the Appropriations Committee for their hard work in developing the operating budget. She asked the chamber to acknowledge the staff members as well.

POINT OF PERSONAL PRIVILEGE

Representative Sehlin joined Representative Sommers in acknowledging and thanking the staff of the Appropriations Committee for their hard work in developing the operating budget. He asked the chamber to acknowledge the staff members.

SECOND READING

ENGROSSED SENATE BILL NO. 6290, By Senators Stevens, Hargrove, Winsley and Rasmussen; by request of Office of Financial Management

Revising provisions relating to the use of risk assessments in the supervision of offenders who committed misdemeanors and gross misdemeanors.

The bill was read the second time.

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

Representatives O'Brien, Sehlin and Kagi spoke in favor of passage of the bill.

Representatives Carrell, Schindler and Ahern spoke against the passage of the bill.

There being no objection, the House deferred action on ENGROSSED SENATE BILL NO. 6290, and the bill held its place on the third reading calendar.

MESSAGES FROM THE SENATE

March 11, 2004

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SENATE BILL NO. 6737, and passed the bill as amended by the House, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2663,
SUBSTITUTE HOUSE BILL NO. 2788,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2366,
SUBSTITUTE HOUSE BILL NO. 2618,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The Senate has receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381, and passed the bill without said amendment, and the same is herewith transmitted.

Milt H. Doumit, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381,

GOVERNOR GARY LOCKE

The Sergeant at Arms announced that Governor Gary Locke was at the doors of the Chamber. The Speaker requested that the Sergeant at Arms escort Governor Locke to the Rostrum. The Governor addressed the body.

Governor Locke: "Thank you, Mr. Speaker and to the members of the House. It is a pleasure to be here. Emily and Dylan have been kind of floating around the last several days. Emily has just turned seven years old on Tuesday and Dylan turns five on Saturday. It's hard to believe that they have grown so much and so fast in just these few years. It's hard to believe that Emily was born just about five weeks after we took office in 1997. This is, of course unless you go into special session or there is some extraordinary circumstance between now and January, our last legislative session as the governor of the State of Washington. I want to tell you that it has been an incredible honor and privilege serving as governor of this incredible, wonderful, beautiful state.

It has been a pleasure being here in Olympia. I can't quite say where I would be sitting within these new chambers but I remember very well, very vividly the seat that I sat in for some 12 years in the House of Representatives in the Capitol Building. I have great memories of my days in Olympia as a legislator and now as governor.

We have done a lot of good stuff. You should be very proud of the incredible progress that we have been able to make in our state. I have watched over TVW and the access channels to some of the debate and proceedings. I know there are major philosophical difference on a lot of issues but in the end, you are able to compromise, you are able to come together and make progress on some tough

issues. When you go across the country, and I think as you have learned from some of your ALEC or NCSL and some of the other associations that you work in and work with, Washington is highly acclaimed in some many different areas. So many of our state agencies are ranked number one in the country. State Patrol, the premiere law enforcement agency in the year 2002. The Washington State Printing Office – deemed the most efficient most productive printing operation in all of America even compared to the private sector against major Fortune 500 companies. And the list goes on and on – Retirement Systems, Department of Information Services, so many of the things that the public gets can now be done over the Internet from the ease of their homes or businesses. And we've advanced Washington's reputation around the world with trade missions to Asia, to Mexico and to Europe. You have all been part of that.

I know that several of you will not be returning next year due to retirements. Representative Sehlin for one, Representative McMorris who is running for Congress and many others will be going on to other ventures. And quite frankly, given the political season, not everyone will come back given the nature of politics. But you can be proud of what you have done for the people of the State of Washington. I am very proud of you, of our legislative system and my work with all of you.

I wanted to come by and say thank you. I know there has been a lot of tough negotiating and compromising these last several days and especially today on a whole host of issues. I know that people are very anxious to get home. I wanted to say thank you for the great job that you do. I wish you all the very best."

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate receded from the amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573. Under suspension of the rules Engrossed Substitute House Bill No. 2573 was returned to second reading for purpose of amendment. The Senate adopted the following amendments and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted making changes to existing appropriations and making new appropriations which, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital purposes for the biennium ending June 30, 2005, out of the several funds specified in this act.

PART 1 ADJUSTMENTS/CORRECTIONS TO 2003-2005 CAPITAL BUDGET

Sec. 101. 2003 1st sp.s. c 26 s 101 (uncodified) is amended to read as follows:
FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE
Capital Budget Studies (04-1-950)

(1) The ~~((appropriations))~~ appropriation in this section ~~((are))~~ is provided solely for capital studies, projects, and tasks pursuant to sections 923 and 924 of this act.

(2) The reappropriation in this section is from 2001 2nd sp.s. c 8 s 149 for the office of financial management.

Reappropriation:

State Building Construction Account--State \$164,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$664,000

Sec. 102. 2003 1st sp.s. c 26 s 104 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000
 ((Rural Washington Loan Account--Federal \$4,739,295
 Subtotal Reappropriation \$5,297,295))

Appropriation:

Rural Washington Loan Account--State \$4,542,969

Prior Biennia (Expenditures) ((\$2,353,072))

\$2,549,398

Future Biennia (Projected Costs) \$0
 TOTAL \$7,650,367

Sec. 103. 2003 1st sp.s. c 26 s 105 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Rural
 Washington Loan Fund (RWLF) (04-4-009)

Appropriation:

General Fund--Federal \$1,900,000
 Rural Washington Loan Account--((Federal)) State \$1,581,000
 Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$24,132,000
 TOTAL \$27,613,000

Sec. 104. 2003 1st sp.s. c 26 s 107 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Building
 for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Artspace (Tashiro Kaplan)	Seattle	\$300,000
Broadway center	Tacoma	\$400,000
Children's museum	Everett	\$200,000
Columbia city gallery	Seattle	\$110,000
Cornish College	Seattle	\$700,000
Friends of Gladish	Pullman	\$37,000
Historic cooper school	Seattle	\$32,000
Lincoln theatre	Mt. Vernon	\$110,000
Olympic theatre arts	Sequim	\$265,000
Orcas sculpture park	Eastsound	\$15,000

Pacific Northwest ballet	Bellevue	\$268,000
Pratt fine arts center	Seattle	\$700,000
Richland players theatre	Richland	\$51,000
S' Klallam longhouse	Kingston	\$200,000
Seattle art museum	Seattle	\$700,000
Squaxin Island museum	Shelton	\$100,000
Vashon allied arts	Vashon	\$80,000
Velocity dance center	Seattle	\$35,000
Western Washington center for the arts	Port Orchard	\$165,000
((World kite museum	Long Beach	\$32,000))
TOTAL		(((\$4,500,000)) <u>\$4,468,000</u>

Appropriation:

State Building Construction Account--State (((\$4,500,000))	<u>\$4,468,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$16,000,000	
TOTAL (((\$20,500,000))	<u>\$20,468,000</u>

Sec. 105. 2003 1st sp.s. c 26 s 110 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: ~~((The))~~ A maximum of twenty-five percent of the appropriation in this section ((is provided solely for loans to local governments)) may be used for grants.

Appropriation:

Public Facility Construction Loan Revolving Account--State \$11,491,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$36,718,769	
TOTAL \$48,209,769	

NEW SECTION. **Sec. 106.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Drinking Water Assistance Program (00-2-007)

The reappropriation in this section is subject to the following conditions and limitations: Funding from the state public works trust fund shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

Reappropriation:

Drinking Water Assistance Account--State \$3,983,356

Prior Biennia (Expenditures) \$3,716,644

Future Biennia (Projected Costs) \$0

TOTAL \$7,700,000

Sec. 107. 2003 1st sp.s. c 26 s 161 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Reappropriation:

Capitol Building Construction Account--State \$976,000

Prior Biennia (Expenditures) \$14,559,774

Future Biennia (Projected Costs) ((\$0))

TOTAL ((\$16,035,774))

\$1,600,000

\$17,135,774

Sec. 108. 2003 1st sp.s. c 26 s 159 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation (~~((98-1-008)))~~ (02-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State \$1,001,000

Prior Biennia (Expenditures) \$1,964,065

Future Biennia (Projected Costs) \$19,090,000

TOTAL \$22,055,065

Sec. 109. 2003 1st sp.s. c 26 s 173 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Security (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall lease metal detectors for the legislative building for a term that expires no later than June 30, 2005. The department shall not renew the lease for metal detectors beyond June 30, 2005, unless specifically authorized to do so by the legislature.

Appropriation:

Thurston County Capital Facilities Account--State \$1,179,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,179,000

Sec. 110. 2003 1st sp.s. c 26 s 169 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign,

design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$140,000	
State Building Construction Account--State ((\$6,009,000))		<u>\$6,996,000</u>
Thurston County Capital Facilities Account--State ((\$3,437,000))		<u>\$937,000</u>
<u>Community and Technical College Capital Projects Account--State</u>	<u>\$1,513,000</u>	
Subtotal Appropriation	\$9,586,000	
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$0	
TOTAL	\$9,586,000	

NEW SECTION. Sec. 111. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital: Legal Offender Unit (98-2-002)

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$15,330,537
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,580,537

Sec. 112. 2003 1st sp.s. c 26 s 250 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

~~((The appropriations in this section are subject to the following conditions and limitations:-~~

~~(1) It is the intent of the legislature to explore the concept of an anaerobic digester to treat dairy waste in Snohomish county, with the Monroe honor farm being one possible site for such a project.~~

~~(2) The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site prior to December 1, 2004.)~~

Reappropriation:

General Fund--Federal	\$10,964,679
State Building Construction Account--State	\$8,575,906
Subtotal Reappropriation	\$19,540,585

Appropriation:

State Building Construction Account--State	\$18,674,031
Prior Biennia (Expenditures)	\$1,223,416
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,438,032

Sec. 113. 2003 1st sp.s. c 26 s 234 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (04-4-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and

public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal ((\$28,122,000))	<u>\$46,222,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$28,122,000))	<u>\$46,222,000</u>

Sec. 114. 2003 1st sp.s. c 26 s 313 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.
- (2) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$2,000,000 of the state building construction account--state appropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.
- ~~(4) (\$1,500,000 of the state building construction state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in stream and out of stream purposes.~~
- ~~(5))~~ \$4,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.
- ~~((6))~~ (5) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.
- (6) \$1,100,000 of the state building construction account--state appropriation is provided solely for the comprehensive irrigation district management program.
- (7) \$150,000 of the water quality account--state appropriation is to contract with a regional salmon enhancement organization for planning activities related to improving water quality in the Hood Canal, particularly research, preservation, and restoration of molluscan ecosystem including bivalves and other important filtering organisms in Hood Canal.
- (8) \$1,000,000 of the water quality account--state appropriation is to assist the city of Enumclaw with wastewater treatment upgrades to address phosphorus loading in the White river.
- (9) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.
- ~~((8))~~ (10) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State ((\$30,452,000))	<u>\$28,952,000</u>
Water Quality Account--State ((\$15,948,000))	<u>\$17,098,000</u>
Subtotal Appropriation ((\$46,400,000))	<u>\$46,050,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$246,400,000))	<u>\$246,050,000</u>

Sec. 115. 2003 1st sp.s. c 26 s 312 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007) and (86-2-007)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

(2) The reappropriation for project number 86-2-007 is \$793,214 for the public works assistance account and \$4,600,505 for the water quality account. The remainder, \$13,702,946 for the water quality account, is for project number 02-4-007.

Reappropriation:

Public Works Assistance Account--State \$793,214
Water Quality Account--State (~~(\$20,210,510)~~)

\$18,303,451

Subtotal Reappropriation \$19,096,665

Prior Biennia (Expenditures) (~~(\$115,983,563)~~)

\$117,890,622

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$136,194,073)~~)

\$136,987,287

Sec. 116. 2003 1st sp.s. c 26 s 317 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal (~~(\$1,472,891)~~)

\$1,374,553

State Building Construction Account--State (~~(\$693,353)~~)

\$651,208

Subtotal Reappropriation (~~(\$2,166,244)~~)

\$2,025,761

Appropriation:

General Fund--Federal (~~(\$2,417,196)~~)

\$2,562,128

State Building Construction Account--State \$568,804

Subtotal Appropriation (~~(\$2,986,000)~~)

\$3,130,932

Prior Biennia (Expenditures) (~~(\$527,756)~~)

\$668,239

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$5,680,000)~~)

\$5,824,932

Sec. 117. 2003 1st sp.s. c 26 s 309 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Water Rights Purchase/Lease (04-1-005)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(2) The appropriation in this section is subject to the policies and requirements of chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004.

Appropriation:

General Fund--Federal \$1,500,000

State Drought Preparedness--State \$1,500,000

Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 118. If chapter . . . (Engrossed Substitute House Bill No. 1317), Laws of 2004, is not enacted by April 15, 2004, section 117 of this act is null and void.

Sec. 119. 2003 1st sp.s. c 26 s 340 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
Iron Horse Trail (04-2-016)

~~((The appropriation in this section is subject to the following conditions and limitations:
(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.
(2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross state trails. This study must be submitted to the office of financial management by June 30, 2004.))~~

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the commission's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

~~((State Building Construction Account--State))~~
Parks Renewal and Stewardship Account--State \$262,500

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$262,500

Sec. 120. 2003 1st sp.s. c 26 s 367 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations:
(1) The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.
(2) \$974,000 of this 2004 amendment is for a fund balance adjustment.

Reappropriation:

General Fund--Federal \$35,263,219	
Salmon Recovery Account--State ((\$11,076,017))	<u>\$8,457,819</u>
Subtotal Reappropriation ((\$46,339,236))	<u>\$43,721,038</u>
Prior Biennia (Expenditures) ((\$53,566,576))	<u>\$55,210,774</u>
Future Biennia (Projected Costs) \$0	
TOTAL ((\$101,569,389))	<u>\$98,931,812</u>

Sec. 121. 2003 1st sp.s. c 26 s 369 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery Fund Board Programs (SRFB) (04-4-001)

The appropriations in this section are subject to the following conditions and limitations:
~~((1) \$23,187,500 of the appropriation is provided for grants for restoration projects.
(2) The remainder of))~~ The appropriation is provided solely for grants for other salmon recovery efforts. These grants shall include a grant to any regional recovery board established in the Revised Code of Washington and may include grants for additional restoration projects.

~~((3) By December 1, 2003, the salmon recovery funding board shall provide a report to the house of representatives capital budget committee and the senate ways and means committee that enumerates board expenditures for salmon recovery projects and activities. The report shall include a list of each project that has been approved for funding by the board, and each project that was submitted on a lead entity habitat project schedule and not funded by the board. Each list shall include the project, project description, project sponsor, status of the project including expenditures to date and completion date, and matching funds that were available for the project. The report shall also include a list and description of all other activities funded by the board including consulting contracts, lead entity and regional recovery board contracts, a description of each of these activities, and the timeline for their completion.))~~

Appropriation:

General Fund--Federal \$34,375,000
State Building Construction Account--State \$12,000,000
Subtotal Appropriation \$46,375,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$46,375,000

Sec. 122. 2003 1st sp.s. c 26 s 354 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington Wildlife and Recreation Program (WWRP) (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-45, as developed on June 4, 2003, and LEAP capital document No. 2004-17, as developed on February 25, 2004. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(2) It is the intent of the legislature that any moneys remaining unexpended shall be reappropriated in the 2005-07 biennium, but no reappropriations shall be made in subsequent biennia.

(3) The department of natural resources shall manage lands acquired through project No. 02-1090, "Bone river and Niawiakum river natural area preserves," as natural resources conservation areas under chapter 79.71 RCW.

(4) Up to \$95,000 of the outdoor recreation account--state and up to \$95,000 of the habitat conservation account--state appropriations are provided to implement chapter ... (Substitute Senate Bill No. 6242), Laws of 2004. If this bill is not enacted by April 15, 2004, this subsection (4) shall lapse.

(5) The committee shall develop or revise project evaluation criteria based on the provisions of chapter ... (Engrossed Substitute House Bill No. 2275 or Second Substitute Senate Bill No. 6082), Laws of 2004, as it prepares its project recommendations for the next budget cycle.

Appropriation:

Outdoor Recreation Account--State \$22,500,000
Habitat Conservation Account--State \$22,500,000
Subtotal Appropriation \$45,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$120,000,000
TOTAL \$165,000,000

Sec. 123. 2003 1st sp.s. c 26 s 394 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE FISH AND WILDLIFE
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State ((~~\$970,000~~))

\$1,285,000

Prior Biennia (Expenditures) (~~(\$2,070,000)~~)

\$1,755,000

Future Biennia (Projected Costs) \$0
TOTAL \$3,040,000

Sec. 124. 2003 1st sp.s. c 26 s 398 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the state building construction account--state appropriation is provided solely for Naselle hatchery. A portion of this amount may be used for maintenance and minor projects at fish hatcheries other than Naselle to the extent such use results in corresponding savings in the operating budget that shall be transferred to support of Naselle operations.

(2) \$1,300,000 of the state building construction account--state appropriation is provided solely for the Tokul creek hatchery.

(3) The wildlife account--state appropriation is provided solely for design of capture and acclimation ponds at Grandy creek.

Appropriation:

General Fund--Federal \$4,500,000
General Fund--Private/Local \$1,500,000
Wildlife Account--State \$200,000
State Building Construction Account--State \$7,700,000
Subtotal Appropriation \$13,900,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,900,000

Sec. 125. 2003 1st sp.s. c 26 s 406 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works (02-2-001) and (00-2-011)

Reappropriation:

Forest Development Account--State \$256,230
Resources Management Cost Account--State \$482,466
State Building Construction Account--State \$455,575
Agricultural College Trust Management Account--State \$68,950
Subtotal Reappropriation \$1,263,221

Prior Biennia (Expenditures) \$6,006,779
Future Biennia (Projected Costs) \$0
TOTAL \$7,270,000

Sec. 126. 2003 1st sp.s. c 26 s 408 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works--Facility Preservation (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Forest Development Account--State \$224,900
Resources Management Cost Account--State \$389,700
State Building Construction Account--State \$150,000
Agricultural College Trust Management Account--State \$49,200

Subtotal Appropriation \$813,800

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$813,800

Sec. 127. 2003 1st sp.s. c 26 s 501 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL
Seattle Toxicology Lab (~~((00-2-009))~~) (00-2-008)

Appropriation:
State Building Construction Account--State \$800,000

Prior Biennia (Expenditures) \$12,059,864
Future Biennia (Projected Costs) \$1,655,000
TOTAL \$14,514,864

Sec. 128. 2003 1st sp.s. c 26 s 604 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
Resource Efficiency Pilot Project (04-4-851)

The appropriation in this section is subject to the following conditions and limitations:
(1) \$1,350,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K-12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards, including up to five percent of the amount in this subsection for costs associated with administering the five pilot projects.
(2) Up to \$150,000 of this appropriation shall be used to:
(a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;
(b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;
(c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;
(d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.
The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:
State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

Sec. 129. 2003 1st sp.s. c 26 s 615 (uncodified) is amended to read as follows:
FOR THE STATE SCHOOL FOR THE BLIND
Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,700,000 may be used for a predesign and design of a replacement for the Kennedy facility. Before design funds may be released, the office of financial management, after consultation with the legislature, must agree with the findings of the predesign.

Appropriation:
State Building Construction Account--State \$2,279,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,279,000

Sec. 130. 2003 1st sp.s. c 26 s 743 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:

~~((Education Construction Account--State))~~

State Building Construction Account--State \$1,092,690

Appropriation:

State Building Construction Account--State \$17,350,248

Prior Biennia (Expenditures) \$812,310

Future Biennia (Projected Costs) \$0

TOTAL \$19,255,248

NEW SECTION. Sec. 131. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Leadbetter Acquisition/Restoration (05-1-850)

Reappropriation:

General Fund--Federal \$107,933

Prior Biennia (Expenditures) \$886,067

Future Biennia (Projected Costs) \$0

TOTAL \$994,000

Sec. 132. 2003 1st sp.s. c 26 s 380 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Dairy Nutrient Management Grants Program (02-4-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations may be used for all animal waste management programs.

Reappropriation:

Water Quality Account--State \$350,000

Appropriation:

Water Quality Account--State \$1,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,950,000

Sec. 133. 2003 1st sp.s. c 26 s 738 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Higher Ed Center/Childcare (00-2-678)

The appropriations in this section are subject to the following conditions and limitations: Up to \$550,000 may be used to develop additional parking needed to support this project.

Reappropriation:

State Building Construction Account--State \$985,949

Appropriation:

Gardner-Evans Higher Education Construction Account--State ~~(((\$14,654,000))~~

\$12,242,000

Community and Technical College Capital Projects Account--State ~~(((\$3,898,000))~~

\$6,860,000

Subtotal Appropriation ~~(((\$18,552,000))~~

\$19,102,000

Prior Biennia (Expenditures) \$1,359,051

Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$20,897,000))~~

\$21,447,000

Sec. 134. 2003 1st sp.s. c 26 s 805 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (Minor Improvements) (04-2-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community and technical colleges shall report to the office of financial management by September 1, 2004, all minor works expenditures over \$100,000 for fiscal year 2004 using funds appropriated under this section.

(2) By December 1, 2004, the office of financial management shall report to the capital budget related committees of the legislature all expenditures under subsection (1) of this section that were not on a minor works list approved by the office of financial management at the time of the expenditure.

Appropriation:

Community and Technical College Capital Projects Account--State (~~(\$14,979,217)~~)

\$13,466,217

State Building Construction Account--State \$1,513,000

Subtotal Appropriation \$14,979,217

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$40,000,000

TOTAL \$54,979,217

Sec. 135. 2003 1st sp.s. c 26 s 782 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation and appropriation in this section ((is)) are subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of 2002.

(2) With the following exception, the legislature does not intend to reappropriate amounts not expended by June 30, 2005: CWU/Wenatchee higher education center, also known as Van Tassel center addition or the Wenatchee Valley College portable replacement project, (04-1-201).

Reappropriation:

State Building Construction Account--State \$865,437

Education Construction Account--State \$10,209,178

Subtotal Reappropriation \$11,074,615

Prior Biennia (Expenditures) \$15,525,560

Future Biennia (Projected Costs) \$0

TOTAL \$26,600,175

Sec. 136. 2003 1st sp.s. c 26 s 816 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for information technology space. As presented to the legislature, the space for this program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,976,200

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,976,200

Sec. 137. 2003 1st sp.s. c 26 s 821 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design, construction, and equipment for an extensive renovation of an instructional building and its systems.

(2) The state board for community and technical colleges shall submit major project reports on this project to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation by fund source for all costs of the project, including equipment and furnishings.

Appropriation:

State Building Construction Account--State \$4,988,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,988,000

PART 2 CAPITAL PROJECTS/PROGRAMS/ENHANCEMENTS

Sec. 201. 2003 1st sp.s. c 26 s 130 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State ((\$8,500,000))	<u>\$12,700,000</u>
State Building Construction Account--State \$4,000,000	
Subtotal Appropriation ((\$12,500,000))	<u>\$16,700,000</u>

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$32,400,000
TOTAL (~~(\$44,900,000)~~)

\$49,100,000

Sec. 202. 2003 1st sp.s. c 26 s 134 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.
- (2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.
- (6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.
- (7) Up to \$1,000,000 of the appropriation is provided solely to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families after the pool is approved by the state risk manager. The department shall develop a plan to create this self-insurance risk pool for submission to the office of the risk manager no later than December 1, 2004. The department shall establish an advisory committee of interested stakeholders to assist the department in developing the plan required under this subsection. The plan shall provide that the self-insurance risk pool shall repay to the state the appropriation under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager.

Appropriation:

State Taxable Building Construction Account--State ((\$80,000,000))	\$81,000,000
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$200,000,000	
TOTAL ((\$280,000,000))	\$281,000,000

NEW SECTION. Sec. 203. If chapter . . . (Second Substitute House Bill No. 1840), Laws of 2004 is not enacted by April 15, 2004, section 202 of this act is null and void.

Sec. 204. 2003 1st sp.s. c 26 s 151 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.
- (2) The appropriation is provided for the following list of projects:

Local Community Project List	Location	Amount
Art Crate field	Bethel	\$500,000

Asia Pacific cultural center	Tacoma	\$100,000
Asotin aquatic center	Clarkston	\$500,000
Auburn YMCA	Auburn	\$250,000
<u>Boys and girls clubs of Snohomish county</u>	<u>Lake Stevens</u>	<u>\$350,000</u>
Burke museum	Seattle	\$500,000
Capital arts theater and sculpture garden	Olympia	\$250,000
Capitol theater	Yakima	\$500,000
Chinese reconciliation project	Tacoma	\$300,000
Clark lake park	Kent	\$400,000
Colman school	Seattle	\$300,000
Crossroads community center	Bellevue	\$500,000
Eastside heritage center	Bellevue	\$200,000
Eatonville city projects	Eatonville	\$150,000
Edgewood sewer	Edgewood	\$100,000
Edmonds center for the arts	Edmonds	\$500,000
<u>El Centro de la Raza</u>	<u>Seattle</u>	<u>\$117,000</u>
Farmers market and maritime park	Bellingham	\$500,000
Firstenburg community center	Vancouver	\$500,000
Former capitol historical marker	Olympia	\$2,000
<u>Fort Vancouver national historic reserve</u>	<u>Vancouver</u>	<u>\$250,000</u>
Friends of the falls/Great Gorge park	Spokane	\$250,000
Frontier park	Pierce county	\$165,000
GAR cemetery	Seattle	\$5,000
Graham fire district emergency services center	Graham	\$150,000
Grandmother's hill	Tukwila	\$300,000

Highline historical society	Highline	\$300,000
Historical cabins project	Federal Way	\$106,000
Hugs foundation	Raymond	\$21,500
<u>Northwest kidney centers</u>	<u>Bellevue</u>	<u>\$300,000</u>
Museum of flight - WWI and WWII	Seattle	\$500,000
Naval museum	Bremerton	\$500,000
New Phoebe house	Tacoma	\$25,000
Northwest orthopaedic institute	Tacoma	\$200,000
Paramount theater	Seattle	\$250,000
Rainier historical museum/Community center	Rainier	\$20,000
Ritzville public development authority	Ritzville	\$50,000
Seahurst ELC	Burien	\$100,000
South Hill community park	Pierce county	\$250,000
<u>South Lake Union park</u>	<u>Seattle</u>	<u>\$100,000</u>
South Wenatchee family services center	Wenatchee	\$400,000
Stonerose interpretive center	Republic	\$8,000
Sweetwater creek restoration	Hood Canal	\$500,000
Tacoma seawall	Tacoma	\$250,000
Thyme patch park	Seattle	\$5,000
ToscoSports complex	Ferndale	\$500,000
Ustalady beach acquisition	Island county	\$135,000
Veterans memorial museum	Chehalis	\$255,000
West Hylebos state park	Federal Way	\$250,000
White Center apprenticeship	White Center	\$250,000
Woodway wildlife reserve	Woodway	\$300,000

Youth development center Federal Way \$100,000

~~(\$12,197,500)~~
\$13,314,500

TOTAL

Appropriation:

State Building Construction Account--State (~~(\$12,197,500)~~) \$13,314,500

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$12,197,500)~~) \$13,314,500

Sec. 205. 2003 1st sp.s. c 26 s 135 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Lewis and Clark Confluence Project (04-2-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State (~~(\$3,000,000)~~) \$5,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$3,000,000)~~) \$5,000,000

NEW SECTION. **Sec. 206.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Port of Walla Walla Land Acquisition (04-4-961)

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. **Sec. 207.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT OFFICE OF FINANCIAL MANAGEMENT
Capital Budget and Facilities Management Enhancement (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to implement the recommendations of the higher education facilities preservation study and other related budget and financial management system improvements. These improvements should also be applicable to nonhigher education institutions.

Appropriation:

Education Construction Account--State \$150,000
Charitable, Educational, Reformatory, and Penal Institutions Account--State \$15,000

Subtotal Appropriation \$165,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$165,000

NEW SECTION. **Sec. 208.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Cherberg Building: Rehabilitation (02-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the purpose of furthering the John A. Cherberg building rehabilitation project, including but not limited to the following: Project final design and initial phase of reconstruction; purchase and remodel of the two modular buildings currently owned by the Legislative building rehabilitation project; and remodel of a portion of the Joel M. Pritchard building for use as swing space during reconstruction.

Appropriation:

State Building Construction Account--State \$5,000,000

Prior Biennia (Expenditures) \$695,000
Future Biennia (Projected Costs) \$15,429,000
TOTAL \$21,124,000

Sec. 209. 2003 1st sp.s. c 26 s 162 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction Account--State \$68,450,000
State Building Construction Account--State \$6,000,000
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State (~~(\$2,300,000)~~)

\$4,800,000

Prior Biennia (Expenditures) \$26,031,000
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$102,781,000)~~)

\$105,281,000

NEW SECTION. **Sec. 210.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Technology Infrastructure (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the joint legislative system committee's costs of equipping the legislative building for technology infrastructure, including computer wiring closets, audio and video communications, and wireless computer capabilities.

Appropriation:

State Building Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,400,000

NEW SECTION. Sec. 211. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING CENTER
Minor Works - Facility Preservation (05-1-850)

Appropriation:

State Building Construction Account--State \$50,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

Sec. 212. 2003 1st sp.s. c 26 s 267 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:

State Building Construction Account--State (~~(\$4,000,000)~~)

\$3,750,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$4,000,000)~~)

3,750,000

NEW SECTION. Sec. 213. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Sewer Connection Fee (05-2-002)

Appropriation:

State Building Construction Account--State \$140,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$140,000

Sec. 214. 2003 1st sp.s. c 26 s 273 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS

Master Planning (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for the department to contract for master planning services.
- (2) The department shall incorporate the integration of operating and capital in the scope of work and master planning effort to include a minimum six-year planning horizon.
- (3) The master plan shall include an analysis of forecasted offender population growth, gender, custody level, population and medical needs, infrastructure needs, and a system-wide view of facility needs. Alternatives should be generated that include the management of excess capacity, such as rental beds, regional jails, and other options to add capacity to the existing system at the same or a lower cost than new construction of prison beds and eventual operating costs. These alternatives shall include an exploration of using other state facilities that are currently being reviewed as part of a master planning process.
- (4) The plan shall consider strategies to integrate capital and operating planning and improve efficiencies in both areas.
- ~~((6))~~ (5) The department shall not deduct any portion of this amount for administrative costs related to new staffing.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION. Sec. 215. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Statewide: Water System Plans (05-1-003)

Appropriation:

State Building Construction Account--State \$110,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$110,000

Sec. 216. 2003 1st sp.s. c 26 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,000,000 of the appropriation is provided solely for a grant to the port of Ridgefield to continue clean-up actions on port-owned property.

(2) \$1,800,000, or as much thereof as may be necessary, of the appropriation is provided solely for a grant to Klickitat county for removal and disposal or recycling of vehicle tires. The grant shall include conditions that require Klickitat county to contract for the vehicle tire removal following a competitive bidding process. No funds from the grant may be expended for any remediation activities other than vehicle tire removal, disposal, and recycling.

Appropriation:

Local Toxics Control Account--State (~~(\$45,000,000)~~)

\$47,050,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$45,000,000)~~)

\$47,050,000

NEW SECTION. Sec. 217. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Conveyance Infrastructure Projects (05-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the state building construction account--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(2) \$300,000 of the state and local improvements revolving account--state appropriation is provided solely for the Bertrand watershed improvement district to address unpermitted water use and environmental compliance and fund early action planning, feasibility studies, and construction of early action projects.

(3) \$1,600,000 of the state building construction account--state appropriation is provided solely for the Middle Fork Nooksack river water diversion system.

(4) First priority from the remaining appropriation, \$1,475,000 from the state and local improvements account--state appropriation, \$350,000 from the state building construction account--state appropriation, and the water quality account--state appropriation, shall be the following projects: Piping in the upper Yakima river; piping for Bull canal; piping for the Lowden number 2 ditch; diversion reconstruction and piping in Beaver creek; conjunctive use of surface and ground water in the Chewuch river; replacing surface diversions with wells and consolidation of diversions in the Entiat river; replacing a check dam with a siphon on Little Naneum creek; consolidate diversions on Simcoe creek; and ground water recharge of reclaimed water on Kitsap peninsula. The purpose of this funding is to develop projects and take other water management actions that benefit streamflows and enhance water supply to resolve conflicts among water needs for municipal water supply, agricultural water supply, and fish restoration. The streamflow or other public benefits secured from these projects should be commensurate with the investment of state funds.

(5) \$50,000 of the state building construction account--state is provided solely for Ahtanum creek watershed restoration and Pine Hollow reservoir.

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$1,775,000
State Building Construction Account--State \$3,500,000
Water Quality Account--State \$525,000
Subtotal Appropriation \$5,800,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,800,000

NEW SECTION. **Sec. 218.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$525,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$8,705,000
TOTAL \$9,230,000

Sec. 219. 2003 1st sp.s. c 26 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, (~~2003~~) 2004, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

(3) \$344,000 of the water quality account reappropriation is provided for water leases or projects in the Yakima river basin for aquifer recharge necessary to allow the use of drought wells to meet essential irrigation needs. Essential irrigation needs is defined as eighty percent of the water a farmer would ordinarily receive from the irrigation district, less the water that is actually delivered and regardless of crops grown.

(4) \$85,000 of the state building construction account--state appropriation is for the purchase of pipe to protect fish during the noxious weed control board of Grant county's yellow nutsedge eradication efforts.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$2,650,000
Water Quality Account--State (~~(\$3,447,000)~~)

Subtotal Reappropriation (~~(\$5,767,000)~~)

\$2,148,708

\$4,798,708

Appropriation:

State Building Construction Account--State \$1,000,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State \$1,500,000
Subtotal Appropriation \$2,500,000

Prior Biennia (Expenditures) \$3,233,000
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$10,000,000~~))

\$10,531,708

NEW SECTION. Sec. 220. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
Quad City Water Right Mitigation (05-2-852)

Appropriation:

State Building Construction Account--State \$2,200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,200,000

Sec. 221. 2003 1st sp.s. c 26 s 315 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving Account--State ((~~\$66,663,333~~))

\$81,054,333

Water Pollution Control Revolving Account--Federal \$44,466,666
Subtotal Appropriation ((~~\$111,129,999~~))

\$125,520,999

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$462,000,000
TOTAL ((~~\$573,129,999~~))

\$587,520,999

Sec. 222. 2003 1st sp.s. c 26 s 333 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

(2) The state building construction account--state appropriation shall not be allotted until a project request report has been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000

State Building Construction Account--State \$2,000,000

Subtotal Appropriation \$2,200,000

Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$4,200,000~~))

\$6,200,000

NEW SECTION. Sec. 223. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Unforeseen Needs - Special Federal and Local Projects (04-2-024)

Appropriation:

General Fund--Federal \$250,000
General Fund--Local \$250,000
Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$2,000,000
TOTAL \$2,500,000

Sec. 224. 2003 1st sp.s. c 26 s 356 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms and Archery Range Recreation Program (FARR) (04-4-006)

Appropriation:

Firearms Range Account--State (~~(\$150,000)~~) \$250,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$150,000)~~) \$250,000

Sec. 225. 2003 1st sp.s. c 26 s 366 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$325,000 of the appropriation is provided solely to the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses within state parks.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State (~~(\$6,226,310)~~) \$6,926,310

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$6,226,310)~~) \$6,926,310

NEW SECTION. **Sec. 226.** If chapter . . . (Substitute House Bill No. 2919), Laws of 2004, is not enacted by April 15, 2004, section 225 of this act is null and void.

Sec. 227. 2003 1st sp.s. c 26 s 379 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

(2) The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State ((\$2,000,000))	<u>\$6,000,000</u>
Prior Biennia (Expenditures) ((\$0))	<u>\$4,500,000</u>
Future Biennia (Projected Costs) ((\$0))	<u>\$8,500,000</u>
TOTAL ((\$4,000,000))	<u>\$20,000,000</u>

NEW SECTION. **Sec. 228.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION
 Conservation Reserve Enhancement Program - Loans (05-4-003)

The appropriation in this section is subject to the following conditions and limitations: The conservation assistance revolving account appropriation is provided solely for loans under the conservation reserve enhancement program.

Appropriation:

Conservation Assistance Revolving Account--State \$500,000	
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL \$500,000	

Sec. 229. 2003 1st sp.s. c 26 s 399 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Internal and External Partnership Improvements (04-1-007)

The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal ((\$4,000,000))	<u>\$14,800,000</u>
General Fund--Private/Local \$2,000,000	
Game Special Wildlife Account--State \$50,000	
Game Special Wildlife Account--Federal \$400,000	
Game Special Wildlife Account--Private/Local \$50,000	
Subtotal Appropriation ((\$6,500,000))	<u>\$17,300,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$6,500,000))	<u>\$17,300,000</u>

Sec. 230. 2003 1st sp.s. c 26 s 397 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Fish and Wildlife Population and Habitat Protection (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:
 ((~~(1)~~)) \$400,000 of the wildlife account--state appropriation is provided solely for upland wildlife habitat.
 ((~~2~~)) \$500,000 of the wildlife account--state appropriation is provided solely to maintain existing mitigation agreements in the Snake river region for upland habitat and additional agreements with landowners.))

Appropriation:

General Fund--Federal \$2,830,000	
General Fund--Private/Local \$3,500,000	
State Building Construction Account--State \$2,400,000	

Wildlife Account--State ((\$1,700,000))	\$1,200,000
Subtotal Appropriation ((\$10,430,000))	\$9,930,000
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$10,430,000))	\$9,930,000

Sec. 231. 2003 1st sp.s. c 26 s 389 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)

The appropriations in this section are subject to the following conditions and limitations:
 (1) \$301,000 of the state building construction account appropriation is provided solely for improvements at the Centralia game farm, to include: (1) \$175,000 for a brooder barn to replace numerous houses; (2) \$50,000 to replace flight pens; and (3) \$76,000 to replace to the roofs on several buildings.
 (2) The state wildlife account appropriation is provided for the department to conduct a study of functions and operations in locations in Thurston county in an effort to identify efficiencies that would allow a reduction in the number of sites occupied. The study shall identify all operations and functions in Thurston county locations outside the natural resources building. Decisions about alternative uses for the warehouse and annex near the port of Olympia shall not be made until a report is presented to the legislature on efficiencies that will reduce the need for facility space outside the natural resources building.
 (3) \$100,000 of the state building construction account--state appropriation is provided solely for fishing and hunting access improvements in Snohomish county, preferably the Snohomish county diking district number 6. The department is directed to take all appropriate and necessary steps to rename a portion of Snohomish county diking district number 6 as "William E. O'Neil Jr. wildlife area." The department shall consult with the interagency committee for outdoor recreation to determine the feasibility of universal access for hunting at this site or at other locations in Snohomish county. These funds are to be used solely for fishing and hunting access purposes, including signage, permanent structures, and improvements to existing access features. The department is directed to work with interested parties to accomplish the foregoing objectives, and to provide a report to the legislature by December 31, 2004, regarding these provisions.

Appropriation:

General Fund--Federal \$600,000	
State Building Construction Account--State \$3,875,000	
Wildlife Account--State \$100,000	
Subtotal Appropriation ((\$4,475,000))	\$4,575,000
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$4,475,000))	\$4,575,000

Sec. 232. 2003 1st sp.s. c 26 s 390 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Fish and Wildlife Opportunity Improvements (04-2-006)

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the wildlife account--state appropriation is provided solely for the department of fish and wildlife to identify reforms in environmental permitting programs that implement the alternative mitigation principles embodied in its 2003 wind power guidelines and the work of the transportation permit efficiency and accountability committee. The department shall work cooperatively with the department of ecology to determine how these principles can be applied more broadly to other project types, and how new mitigation opportunities can be applied to implementing instream flow and other habitat programs. The department shall report back to the governor and appropriate committees of the legislature by December 31, 2004.

Appropriation:

Aquatic Lands Enhancement Account--State \$300,000	
Warm Water Game Fish Account--State \$550,000	

Wildlife Account--State \$1,500,000	
Subtotal Appropriation ((\$2,050,000))	<u>\$2,350,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$2,050,000))	<u>\$2,350,000</u>

NEW SECTION. Sec. 233. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Grazing Study (05-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the department to contract with the joint legislative audit and review committee for an assessment of the benefits and costs associated with grazing leases or related agreements on lands managed by the department of natural resources. This assessment shall include considerations of the following elements:

(a) The total annual dollar revenues the department of natural resources receives from grazing leases;
 (b) The total annual dollars the trust beneficiaries receive from the total revenues from such leases;
 (c) A review of any other benefits the department of natural resources estimates as accruing from these grazing leases;

(d) An estimate of the costs associated with these grazing leases; and
 (e) A review of the department's expenditures for management of grazing lands.

(2) The joint legislative audit and review committee shall also review the legal requirements that apply to the management of these grazing lands and the department's management policies and practices for these lands.

(3) The department of natural resources shall provide the joint legislative audit and review committee with necessary data and information for this assessment on a timely basis. A report of this assessment must be provided to the appropriate legislative fiscal and policy committees by June 30, 2005.

Appropriation:

Resource Management Cost Account--State \$50,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$50,000

Sec. 234. 2003 1st sp.s. c 26 s 412 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
 Community and Technical College Trust Land Acquisition (04-2-014)

Appropriation:

Community and Technical College Forest Reserve Account--State ((~~\$96,000~~)) \$365,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$96,000~~)) \$365,000

Sec. 235. 2003 1st sp.s. c 26 s 426 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
 Small Timber Landowner Program (04-2-003)

Appropriation:

State Building Construction Account--State ((~~\$2,000,000~~)) \$4,000,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0

TOTAL ((~~\$2,000,000~~))

\$4,000,000

Sec. 236. 2003 1st sp.s. c 26 s 606 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
School Construction Assistance Grants (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.

(3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.

(5) \$2,500,000 of this appropriation is provided solely for design and construction of additional space at the new market vocational skills center.

(6) Beginning in their 2005-07 capital budget submittal to the governor, the state board of education, in consultation with the Washington state skills centers, shall develop and submit a prioritized list of capital preservation, equipment with long life-cycles, and space expansion and improvement projects. The list shall be developed based on, but not limited to, the following factors: Projected enrollment growth; local school district participation and financial support; changes in the business and industry needs in the state; and efficiency in program delivery and operations.

Appropriation:

Common School Construction Account--State (~~(\$399,768,513)~~)

\$402,268,513

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) (~~(\$1,258,456,614)~~)

\$1,858,456,614

TOTAL (~~(\$2,258,225,127)~~)

\$2,260,725,127

NEW SECTION. Sec. 237. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 each are provided to four public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from 2002-03 to 2003-04. The grants shall be used for capital construction purposes as determined by students in the schools. The funds may be used for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

NEW SECTION. Sec. 238. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Bothell/Cascadia CC - SR 522 Off Ramp (02-2-014)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,750,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,860,000

NEW SECTION. Sec. 239. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Infectious Disease Laboratory Facilities (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least four million dollars in matching federal funds for this facility.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

Sec. 240. 2003 1st sp.s. c 26 s 628 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase II (04-1-024)

~~((Reappropriation:~~

~~University of Washington Building Account--State \$700,000))~~

Appropriation:

State Building Construction Account--State \$3,500,000

University of Washington Building Account--State ~~((2,448,000))~~

\$3,148,000

Subtotal Appropriation ~~((5,948,000))~~

\$6,648,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ~~((7,813,164))~~

\$0

TOTAL ~~((14,161,164))~~

\$6,648,000

Sec. 241. 2003 1st sp.s. c 26 s 633 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Campus Communications Infrastructure (04-1-011)

Appropriation:

State Building Construction Account--State \$5,000,000

Gardner-Evans Higher Education Construction Account--State \$2,000,000

Subtotal Appropriation \$7,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) ~~((20,000,000))~~

\$18,000,000

TOTAL \$25,000,000

NEW SECTION. Sec. 242. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Classroom Improvements (05-1-850)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 243. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Guthrie Hall Psychology Facilities Renovation (05-2-851)

The appropriation in this section is subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least three million dollars in matching federal funds for this facility.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 244. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Spokane Riverpoint - Academic Center Building: New Facility (00-2-906)

The appropriation in this section is subject to the following conditions and limitations: It is the intent of the legislature that the project funded in this section shall constitute the university's highest capital project priority through the 2005-07 biennium.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$31,600,000

Prior Biennia (Expenditures) \$2,250,000
Future Biennia (Projected Costs) \$0
TOTAL \$33,850,000

NEW SECTION. Sec. 245. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Wastewater Reclamation Project: Infrastructure (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: By June 30, 2004, Washington State University and the city of Pullman shall submit a report to the office of financial management and standing capital budget committees of the house of representatives and the senate that: (a) Summarizes the strategy for completion of future phases of this project and identifies all other state, federal, local, and private funding sources including grants and loans; (b) summarizes the phasing and costs for this project and future phases; and (c) identifies water conservation measures to be enacted by Washington State University and the city of Pullman.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$3,400,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$7,063,000
TOTAL \$10,463,000

Sec. 246. 2003 1st sp.s. c 26 s 659 (uncodified) is amended to read as follows:
FOR EASTERN WASHINGTON UNIVERSITY

EWU Senior Hall Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State (~~(\$730,000)~~) \$681,116

Appropriation:

~~((State Building Construction Account--State \$6,000,000))~~
Gardner-Evans Higher Education Construction Account--State \$14,120,012

Prior Biennia (Expenditures) (~~(\$581,000)~~) \$629,884

Future Biennia (Projected Costs) (~~(\$8,480,315)~~) \$0

TOTAL (~~(\$15,791,315)~~) \$15,431,012

Sec. 247. 2003 1st sp.s. c 26 s 678 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

State Building Construction Account--State \$1,438,000
~~((Community and Technical College Capital Projects Account--State))~~ Gardner-Evans Higher Education Construction Account--State (~~(\$2,962,000)~~) \$4,962,000

Central Washington University Capital Projects Account--State \$3,600,000
Subtotal Appropriation (~~(\$8,000,000)~~) \$10,000,000

Prior Biennia (Expenditures) \$75,000

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$10,575,000)~~) \$12,575,000

NEW SECTION. **Sec. 248.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (05-1-850)

Appropriation:

Central Washington University Capital Projects Account--State \$450,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$450,000

NEW SECTION. **Sec. 249.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Infrastructure (05-1-851)

Appropriation:

Central Washington University Capital Projects Account--State \$713,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$713,500

NEW SECTION. Sec. 250. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Wenatchee Higher Education Center (05-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is to fund Central Washington University's portion of a shared center and student service addition to Van Tassell center on the Wenatchee Valley Community College campus that replaces the space currently leased by Central Washington University.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

Sec. 251. 2003 1st sp.s. c 26 s 695 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Lab II 3rd Floor - Chemistry Labs Remodel (04-2-007)

Appropriation:

The Evergreen State College Capital Projects Account--State (~~(\$3,000,000)~~)

\$1,400,000

Gardner-Evans Higher Education Construction Account--State \$1,600,000

Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 252. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE (SIRTI)

Emergency Repairs (05-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to make concrete repairs and to repair or replace affected floor coverings.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$337,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$337,000

NEW SECTION. Sec. 253. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Bond Hall Renovation/Asbestos Abatement (04-1-080)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,900,000

Sec. 254. 2003 1st sp.s. c 26 s 702 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Communications Facility (98-2-053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State (~~(\$22,500,000)~~) \$13,888,908

Appropriation:

Western Washington University Capital Projects Account--State \$3,920,000

Prior Biennia (Expenditures) (~~(\$13,973,400)~~) \$18,584,492

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$40,393,400)~~) \$36,393,400

NEW SECTION. Sec. 255. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Museum: Addition and Remodel (98-2-001)

Appropriation:

State Building Construction Account--State \$3,200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,200,000

NEW SECTION. Sec. 256. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College/University of Washington Bothell Phase 2B Off Ramp (02-2-999)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,750,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,860,000

Sec. 257. 2003 1st sp.s. c 26 s 784 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives and design for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

(3) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Community and Technical College Capital Projects Account--State \$82,800

Gardner-Evans Higher Education Construction Account--State \$1,134,000

Subtotal Appropriation \$1,216,800

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) (~~(\$10,752,500)~~)

\$9,618,500

TOTAL \$10,835,300

Sec. 258. 2003 1st sp.s. c 26 s 786 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Appropriation:

State Building Construction Account--State \$2,481,000
Gardner-Evans Higher Education Construction Account--State \$14,357,000
Subtotal Appropriation \$16,838,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) (~~(\$14,357,000)~~)

\$0

TOTAL \$16,838,000

Sec. 259. 2003 1st sp.s. c 26 s 798 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: (~~Renovation~~) Replacement - Monte Cristo Hall (04-1-305)

Appropriation:

State Building Construction Account--State \$7,352,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,352,000

Sec. 260. 2003 1st sp.s. c 26 s 801 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300
Gardner-Evans Higher Education Construction Account--State \$19,471,749
Subtotal Appropriation \$20,735,049

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) (~~(\$16,371,700)~~)

\$0

TOTAL (~~(\$17,635,000)~~)

\$20,735,049

Sec. 261. 2003 1st sp.s. c 26 s 787 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is solely for the land acquisition for and design of a multiple use fine arts building.

(2) The state board for community and technical colleges shall submit major project reports to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports.

Appropriation:

State Building Construction Account--State \$1,827,799
Gardner-Evans Higher Education Construction Account--State \$2,500,000
Subtotal Appropriation \$4,327,799

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,645,515
TOTAL ((~~\$18,473,314~~))

\$20,973,314

NEW SECTION. Sec. 262. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Training Facility (05-1-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a single shop and classroom training facility to replace eight wood frame structures.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the portables.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$722,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$7,342,480
TOTAL \$8,064,480

NEW SECTION. Sec. 263. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Business and Social Science Building (05-1-853)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a two-story building housing social science and business divisions to replace buildings 3, 4, and 14 which are not cost effective to renovate.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of the existing buildings.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,800,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$19,781,000
TOTAL \$21,581,000

NEW SECTION. Sec. 264. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Health Sciences Center (05-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to establish the nursing program portion of this project on the Richland campus of Columbia Basin College. The appropriation is contingent upon receipt of nonstate matching funds of \$2,000,000 by June 30, 2004, and submittal and approval of a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project, scope, schedule, and preliminary cost estimates for the project.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$4,000,000

TOTAL \$6,000,000

NEW SECTION. Sec. 265. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is solely for the design of a building to house allied health programs, replacing Anderson hall, and consolidating programs and staff from other locations. The appropriation does not include the design, renovation, or demolition of related space to be vacated.

(2) Prior to allotment for design, the state board for community and technical colleges shall submit a predesign document to the office of financial management and legislative fiscal committees identifying and outlining the project or projects, scope, schedule, and preliminary cost estimates for capital projects related to the replacement of Anderson hall.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,618,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$25,249,855

TOTAL \$26,867,855

NEW SECTION. Sec. 266. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Employability Colocation Study (05-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to conduct a study, with input from an advisory committee, on the feasibility and benefits of establishing a one-stop satellite office colocating the employment security department and the department of social and health services on community college campuses. Essential elements of the study include a strategic evaluation of services to be collocated, the appropriate location on campuses, and how to better integrate employment security department and department of social and health services programs with basic skills, workforce, and academic programs of community and technical colleges to provide more opportunities for skill improvements and employability. The advisory committee shall include representation of the state board for community and technical colleges, the employment security department, and the department of social and health services. The study shall be at North Seattle community college. The board shall provide its findings and recommendations to the governor and appropriate committees of the legislature by December 20, 2004.

Appropriation:

Community and Technical College Capital Projects Account--State \$50,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$50,000

NEW SECTION. Sec. 267. A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is to purchase and install state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the social security act (Reed act).

Appropriation:

Unemployment Compensation Administration Account--Federal \$6,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

**PART 3
OTHER ADJUSTMENTS/CLARIFICATIONS**

Sec. 301. 2003 1st sp.s. c 26 s 601 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:
(1) (~~(\$13,500,000)~~) \$27,000,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.
(2) \$67,415,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State ((\$27,000,000))	<u>\$40,500,000</u>
Education Construction Account--State \$67,415,000	
Subtotal Appropriation ((\$94,415,000))	<u>\$107,915,000</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$94,415,000))	<u>\$107,915,000</u>

Sec. 302. 2003 1st sp.s. c 26 s 603 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
State Bonds for Common School Construction (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit in the common school construction account.

Appropriation:

State Building ((and)) Construction Account--State ((\$118,050,000))	<u>\$107,050,000</u>
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Sec. 303. 2003 1st sp.s. c 26 s 629 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:
(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.
(2) With this appropriation and that provided in section 630 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.
(3) Section 915 of this act does not apply to this appropriation.
(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$20,108,000	
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Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$20,108,000

Sec. 304. 2003 1st sp.s. c 26 s 650 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE UNIVERSITY
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 651 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$7,876,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,876,000

Sec. 305. 2003 1st sp.s. c 26 s 672 (uncodified) is amended to read as follows:
FOR EASTERN WASHINGTON UNIVERSITY
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 673 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,726,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,726,000

Sec. 306. 2003 1st sp.s. c 26 s 685 (uncodified) is amended to read as follows:
FOR CENTRAL WASHINGTON UNIVERSITY
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 686 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,886,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,886,000

Sec. 307. 2003 1st sp.s. c 26 s 697 (uncodified) is amended to read as follows:
FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 698 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

The Evergreen State College Capital Projects Account--State \$150,000

Education Construction Account--State \$584,000

Subtotal Appropriation \$734,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$734,000

Sec. 308. 2003 1st sp.s. c 26 s 708 (uncodified) is amended to read as follows:
FOR WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 709 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at

local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$2,814,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,814,000

Sec. 309. 2003 1st sp.s. c 26 s 799 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 800 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$17,754,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$17,754,000

NEW SECTION. **Sec. 310.** A new section is added to 2003 1st sp.s. c 26 (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Agricultural Research Facility Renovation and Repair (05-2-952)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for facility construction, renovation, and repair at agricultural research facilities other than in Pullman.

(2) Washington State University shall retain ownership of 22 acres of the lower pasture area south of the WSU Puyallup research campus and continue its existing use for agricultural.

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**PART 4
MISCELLANEOUS**

NEW SECTION. **Sec. 901.** A new section is added to chapter 89.08 RCW to read as follows:

(1) The conservation assistance revolving account is created in the custody of the state treasurer. The account shall be administered by the conservation commission. Moneys from the account may only be spent after appropriation. Moneys placed in the account shall include principal and interest from the repayment of any loans granted under this section, and any other moneys appropriated to the account by the legislature. Expenditures from the account may be used to make loans to landowners for projects enrolled in the conservation reserve enhancement program.

(2) In order to aid the financing of conservation reserve enhancement program projects, the conservation commission, through the conservation districts, may make interest-free loans to conservation reserve enhancement program enrollees from the conservation assistance revolving account. The conservation commission may require such terms and conditions as it deems necessary to carry out the purposes of this section. Loans to landowners shall be for costs associated with the installation of conservation improvements eligible for and secured by federal farm service agency practice incentive payment reimbursement. Loans under this program promote critical habitat protection and restoration by bridging the financing gap between project implementation and federal funding. The conservation commission shall give loan preferences to those projects expected to generate the greatest environmental benefits and that occur in basins with critical or depressed salmonid stocks. Money received from landowners in loan repayments made under this section shall be paid into the conservation assistance revolving account for uses consistent with this section.

Sec. 902. 2003 1st sp.s. c 26 s 902 (uncodified) is amended to read as follows:

(1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

Sec. 903. 2003 1st sp.s. c 26 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management and the office of financial management has formally approved the lists. Proposed revisions to the lists must be filed with and approved by the office of financial management before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects valued between \$25,000 and \$1 million each that are of a similar nature and can generally be completed within two years of the appropriation with the funding provided. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The office of financial management shall forward copies of these project lists and revised lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) The legislature generally does not intend to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

Sec. 904. 2003 1st sp.s. c 26 s 907 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Enter into, after approval by the office of financial management and the state finance committee and a positive result from the joint legislative audit and review committee leasing model, a long-term lease of up to twenty-five years, or long-term lease with an option to purchase, with the city of Seattle, for up to 250,000 square feet of office space that is being lease developed by the city of Seattle. Agency occupancy costs will not exceed comparable private market rental rates in downtown Seattle. The comparable general office space rate shall be calculated based on lease rates (adjusted for inflation) of the tenants at the time of proposed occupancy as determined by the department of general administration.

(3) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

~~((3))~~ (4) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(5) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

~~((4))~~ (6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$1,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition and development of parking facilities.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.

~~((f))~~ (g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

(k) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(l) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(m) Enter into a financing contract on behalf of Columbia Basin College for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the medical technology and science education addition to the T-Building renovation and establish the Washington institute of science education (WISE).

NEW SECTION. Sec. 905. (1) The department of natural resources shall conduct an inventory on state lands of old growth forest stands as defined by a panel of scientists. The panel of scientists shall include three scientific scholars with well documented expertise in Pacific Northwest forest ecology, one of whom will serve as chair by consensus of the panel, one representative from the department of natural resources, and one representative from the Washington department of fish and wildlife. The panel shall review the best available scientific information and develop a definition for old growth forest stands in Washington state. The inventory shall include maps illustrating the distribution of old growth forest stands on state lands, and tables describing the number of acres of such stands in each county, the department's administrative unit, and forest type. The maps and tables shall identify both structurally uniform and structurally complex stands. The department of natural resources shall make a report of the inventory to the appropriate committees of the legislature.

(2) For the duration of the study, cutting or removal of the trees and stands 160 years or older is subject to the department publishing notification of proposed cutting or removal of old growth timber.

(3) This section expires June 30, 2005.

Sec. 906. RCW 43.82.010 and 1997 c 117 s 1 are each amended to read as follows:

(1) The director of general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility. For the 2003-05 biennium, any lease entered into after the effective date of this section with a term of ten years or less shall not contain a nonappropriation clause.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for col locating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for col locating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general

administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; and

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(14) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

NEW SECTION. Sec. 907. (1)(a) The legislature acknowledges the recommendation of the house of representatives capital budget committee 2002 interim workgroup on higher education facilities regarding encouragement of partnerships that attract federal and private funding for certain types of capital facilities, particularly research facilities and facilities providing unique or targeted skills. One incentive to attracting nonstate funding of facilities might be the state sharing in the ongoing operating and maintenance costs through the operating budget and sharing future capital maintenance costs. The workgroup recommended that a process be developed to enable an institution to request such assistance up-front at the time the facility being funded with nonstate resources is planned, rather than after the facility is built. While the legislature will not commit in a present budget to providing operating and maintenance or capital maintenance funding in the future, the institution is less likely to receive this assistance when the facility is constructed if the assistance was not requested up-front when the facility was being planned. Until a more formal process is identified, the legislature will acknowledge such a request in a budget proviso or in the legislative budget notes. This section does not apply to facilities that traditionally do not receive any state budget support, such as student dining, recreation, and housing facilities.

(b) While the legislature assumes facilities funded using alternative financing contracts approved in the capital budget will not be receiving state budget support, exceptions to this should be requested of the governor and legislature up-front, as provided for in this section for nonstate funded facilities.

(2)(a) The following project, funded primarily by nonstate budget sources, is expected to be included in the institution's operating budget request once the facility is completed: Washington State University's agricultural research facility, constructed using federal funds.

(b) The legislature is not committing to providing funds for operating and maintenance or capital maintenance on the facility described in (a) of this subsection at this time, but will consider that decision when the project nears completion. Considerations will include the appropriate amount of such assistance, particularly given the research nature of the facility and the potential for indirect cost recovery associated with the research grants coming to the institution as a result of the facility.

Sec. 908. 2003 1st sp.s. c 26 s 915 (uncodified) is amended to read as follows:

(1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current

programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

(6) This section does not apply to sections 506 through 508, chapter 26, Laws of 2003 1st sp. sess.

Sec. 909. RCW 70.146.030 and 2003 1st sp. s. c 25 s 934 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2003, to June 30, 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights, for water conveyance projects, and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 910. RCW 28B.50.360 and 2002 c 238 s 303 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and, during the 2003-05 biennium, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((During the 2001-2003 fiscal biennium, the legislature may transfer from the account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

NEW SECTION. Sec. 911. During the 2003-05 biennium, the state parks and recreation commission shall study the various options regarding the future of Old Man House state park. These alternatives include retention as a state park, roles of volunteer community groups, transfer to the Suquamish tribe, sale as surplus property, or other alternatives. The commission may, if it deems it appropriate after studying the various

options, transfer the park to the Suquamish tribe. Any action shall provide for continued public access and use of the site for public recreation, and include a limited waiver of sovereignty by the tribe restricted to the enforceability of the reversion clause pursuant to RCW 79A.05.170.

NEW SECTION. Sec. 912. A new section is added to chapter 39.33 RCW to read as follows:

(1) During the 2003-05 biennium, notwithstanding any other provision of law, the department of general administration is authorized to sell the property and attendant parking lot located at 1058 Capitol Way, Olympia, for fair market value to a nonprofit organization whose function is to produce television coverage of state government deliberations and other events of statewide significance.

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 913. A new section is added to chapter 79.19 RCW to read as follows:

(1) All transaction costs associated with the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, shall be included in the valuation of the lands exchanged.

(2) Notwithstanding any other provision of law, the department of natural resources is authorized to use moneys derived from the sale of lands acquired by the common school trust through the exchange required under chapter . . . (House Bill No. 3045), Laws of 2004, to acquire commercial or industrial properties for the common school trust.

(3) If chapter . . . (House Bill No. 3045), Laws of 2004, is not enacted by April 15, 2004, this section expires April 16, 2004; if it is enacted by April 15, 2004, this section expires June 30, 2005.

NEW SECTION. Sec. 914. (1) The legislature finds that it is in the public interest to encourage development of a BioGas facility at the Monroe honor farm to convert dairy waste, fish processing waste, and other waste products into energy. Such a facility will: Help improve water quality in area streams; help restore salmon habitat; create jobs; generate green energy; improve the economic sustainability of area dairy farms; help stem sprawl; serve as a demonstration project for environmental education; reduce on-going costs associated with maintaining state ownership of this facility; encourage greater cooperation between area tribes and agricultural interests; and be a model for other such efforts in the state.

(2) In consideration of the multiple public benefits set forth in this section and notwithstanding any other provision of law, within one hundred twenty days of the requirements of subsection (4) of this section being completed during the 2003-05 biennium, the state shall transfer the Monroe honor farm to a federally recognized tribe within Snohomish county for construction and operation of a BioGas facility, related agricultural-based businesses, and activities designed to promote salmon restoration and sustainability of area dairy farms. The secretary of corrections shall enter into an agreement with the department of general administration to work with the federally recognized tribe to draft appropriate deed restrictions or conservation easements for the property to ensure that the property is used for the legislative purposes set forth in this section.

(3) The department of general administration shall transfer the property only if the federally recognized tribe has completed a feasibility study for a BioGas facility at the site, only if the tribe has concluded that development of such a facility is feasible, only after the necessary development permits are approved, and only after a public hearing is conducted by the department of general administration. Further, if the property is not used for one or more of the purposes set forth in this section within two years from the date of transfer or if at any time the property is used for activities inconsistent with the legislative purposes set forth in this section, then the ownership of the property shall automatically revert to the state of Washington and be processed as surplus property. The tribe shall be liable or responsible for any environmental contamination occurring during the period the tribe owns the property.

(4) The legislature finds that the value of the public benefits set forth in this section exceeds the fair market value of Monroe honor farm. Accordingly, the state shall transfer the property to a federally recognized tribe within Snohomish county at no cost beyond the consideration set forth in this section. Nothing in this section shall be deemed to affect or modify liability or responsibility for any existing environmental contamination related to the Monroe honor farm.

NEW SECTION. Sec. 915. By October 1, 2004, the department of general administration shall report to the legislature the priority order of the state buildings the department would map subject to implementation of RCW 36.28A.060.

NEW SECTION. Sec. 916. (1) In order to enhance salmon recovery efforts funded in the 2003-05 biennium in eastern Washington, a management board for regional fish recovery is established for Asotin, Columbia, Garfield, Walla Walla, and Whitman counties. The board shall consist of representatives of local and regional interests, and the board shall invite state agencies and tribal governments with treaty fishing rights to participate as voting members on the board.

(2) The number of members, qualifications, terms, and responsibilities of the board shall be specified in an interlocal agreement under chapter 39.34 RCW or resolution of a local government.

(3) The board shall, at a minimum, have the following powers and duties:

(a) The board is responsible for the development and the adoption of a salmon and steelhead recovery plan.

(b) The habitat sections of the plan must be consistent with local watershed plans developed under chapter 90.82 RCW, the Northwest power and conservation council's subbasin plans, and be based on critical pathway methodology under RCW 77.85.060. The board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of other units of local government.

(c) The harvest and hatchery sections of the plan must be consistent with the policies developed jointly by the comanagers, the department, and treaty Indian tribes.

(d) The hydropower sections of the plan must be consistent with policies developed by the federal agencies that operate or market power from the federal Columbia and Snake river power system.

(e) The board has authority to: Hire and fire staff, including an executive director; enter into contracts; accept grants and other moneys; and disburse funds.

(f) The board shall appoint and consult with a technical advisory committee. The board shall invite at least four representatives from state government and the treaty Indian tribes to participate on the technical advisory committee. The board may appoint additional members to the technical advisory committee.

(4) No action may be brought or maintained against any board member, the board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this chapter.

(5) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, nor as affecting or modifying any existing right of a federally recognized Indian tribe as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any applicable posttrial orders of those courts.

(6) This section expires June 30, 2005.

NEW SECTION. Sec. 917. Washington State University shall retain ownership of 22 acres of the lower pasture area south of the WSU Puyallup research campus and continue its existing use for agricultural research.

NEW SECTION. Sec. 918. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 919. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 920. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for sections 117 and 202 of this act, which take effect April 16, 2004.

On page 1, beginning on line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.82.010, 70.146.030, and 28B.50.360; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 161, 159, 173, 169, 250, 234, 313, 312, 317, 309, 340, 367, 369, 354, 394, 398, 406, 408, 501, 604, 615, 743, 380, 738, 805, 782, 816, 821, 130, 134, 151, 135, 162, 267, 273, 304, 310, 315, 333, 356, 366, 379, 399, 397, 389, 390, 412, 426, 606, 628, 633, 659, 678, 695, 702, 784, 786, 798, 801, 787, 601, 603, 629, 650, 672, 685, 697, 708, 799, 902, 905, 907, and 915 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 79.19 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dunshee, Alexander, Shabro and Clements spoke in favor of the passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2573, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2573, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Cairnes, Campbell, Carrell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Boldt, Bush, Chandler, Crouse, Delvin, Hankins, Kristiansen, McIntire, McMahan, Mielke, Nixon, Pearson, Schindler and Sump - 14.

Excused: Representatives Edwards and Hinkle - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, as amended by the Senate, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Dunshee acknowledged and thanked the staff of the Capital Budget Committee for their hard work in developing the capital budget. He asked the chamber to acknowledge the staff members as well.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2802, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 16.52 RCW to read as follows:

(1) A person is guilty of a gross misdemeanor punishable as provided in RCW 9A.20.021 if he or she knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation.

(2) Nonambulatory livestock must be humanely euthanized before transport to, from, or between locations listed in subsection (1) of this section.

(3) Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot.

(4) For the purposes of this section, "nonambulatory livestock" means cattle, sheep, swine, goats, horses, mules, or other equine that cannot rise from a recumbent position or cannot walk, including but not limited to those with broken appendages, severed tendons or ligaments, nerve paralysis, a fractured vertebral column, or metabolic conditions.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "livestock;" strike the remainder of the title and insert "adding a new section to chapter 16.52 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2802 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Schoesler and Linville spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2802, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2802, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chase and Moeller - 2.

Excused: Representatives Edwards and Hinkle - 2.

SUBSTITUTE HOUSE BILL NO. 2802, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2802.

MARALYN CHASE, 32nd District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2802.

JIM MOELLER, 49th District

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2299, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 16.57 RCW to read as follows:

- (1) The director may adopt rules:
- (a) To support the agriculture industry in meeting federal requirements for the country-of-origin labeling of meat. Any requirements established under this subsection for country of origin labeling purposes shall be substantially consistent with and shall not exceed the requirements established by the United States department of agriculture; and
- (b) In consultation with the livestock identification advisory board under RCW 16.57.015, to implement federal requirements for animal identification needed to trace the source of livestock for disease control and response purposes.
- (2) The director may cooperate with and enter into agreements with other states and agencies of federal government to carry out such systems and to promote consistency of regulation."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "and adding a new section to chapter 16.57 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2299 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Linville and Schoesler spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2299, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2299, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Hinkle - 2.

SUBSTITUTE HOUSE BILL NO. 2299, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2929, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the recent occurrence of bovine spongiform encephalopathy and the resulting bans on beef imports from the United States have had a severe economic impact

on the state's beef processing industry. The legislature intends to provide temporary business and occupation tax relief for Washington's beef processors.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax those amounts received for:

(a) Slaughtering cattle, but only if the taxpayer sells the resulting slaughtered cattle at wholesale and not at retail;

(b) Breaking or processing perishable beef products, but only if the perishable beef products are derived from cattle slaughtered by the taxpayer and sold at wholesale only and not at retail;

(c) Wholesale sales of perishable beef products derived from cattle slaughtered by the taxpayer;

(d) Processing nonperishable beef products, but only if the products are derived from cattle slaughtered by the taxpayer and sold at wholesale only and not at retail; and

(e) Wholesale sales of nonperishable beef products derived from cattle slaughtered by the taxpayer.

(2) For the purposes of this section, "beef products" means the carcass, parts of carcass, meat, and meat by-products, derived exclusively from cattle and containing no other ingredients.

(3) The deduction allowed under this section is allowed only for tax liability incurred after the effective date of this section and until the first day of the month following the date on which the bans on the importation of beef and beef products from the United States of America by Japan, Mexico, and the Republic of South Korea have all been lifted.

(4) The department must provide notice, on the department's web site, of the date on which this deduction is no longer available. The notice required by this section does not affect the availability of the deduction under this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2929 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Schoesler and McIntire spoke in favor the passage of the bill.

Representative Upthegrove spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2929, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2929, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Cody, Condotta, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hunter, Jarrett, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, Simpson, D., Skinner, Sullivan, Sump, Talcott, Tom, Voloria, Wallace, Woods and Mr. Speaker - 79.

Voting nay: Representatives Chase, Clibborn, Darneille, Dickerson, Hudgins, Kagi, McCoy, Miloscia, Moeller, Nixon, Ormsby, Romero, Schual-Berke, Simpson, G., Sommers, Upthegrove and Wood - 17.

Excused: Representatives Edwards and Hinkle - 2.

SUBSTITUTE HOUSE BILL NO. 2929, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787, with the following amendment:

On page 2, line 2, after "provider" strike "as listed in" and insert "regulated by a disciplining authority under"

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kessler and Buck spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2787, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2787, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Hinkle - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is hereby declared to be the policy of the state of Washington to assist in the creation and expansion of innovative small commercial enterprises that produce marketable goods and services through the employment of Washington residents, the use of technology, and the application of best management practices. This policy is to be implemented through the use of small business incubators.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Business incubator" means a facility that offers:
 - (a) Space for start-up and expanding firms;
 - (b) The shared use of equipment and work areas;
 - (c) Daily management support services essential to high-quality commercial operations; and
 - (d) Technical assistance.
- (2) "Qualified small business incubator" means an incubator that is:
 - (a)(i) Designated as a nonprofit organization under section 501(c)(3) of the internal revenue code, or (ii) consists of a partnership between a designated nonprofit organization under section 501(c)(3) of the internal revenue code and a government or quasi-government agency;
 - (b) Focused on developing small businesses in an economically distressed or disadvantaged area; and
 - (c) Structured around a sound business plan.

NEW SECTION. Sec. 3. (1) The small business incubator program is created in the department of community, trade, and economic development to provide start-up and operating assistance to qualified small business incubators.

- (2) The department shall award grants to qualified small business incubator organizations for:
 - (a) Construction and equipment costs, up to a maximum of three million dollars per recipient; and
 - (b) Provision of technical assistance to small businesses, up to a maximum of one hundred twenty-five thousand dollars per year per recipient.
- (3) The department shall:
 - (a) Require a grant recipient to show that it has the resources to complete the project in a timely manner and the state grant is not the sole source of funds;
 - (b) Develop, in conjunction with the Washington association of small business incubators, criteria for receipt of grant funds, including criteria related to organizational capacity, community need, and the availability of other economic development resources;
 - (c) Accept and receive grants, gifts, and pledges of funds for the support of the small business incubator program, which shall be deposited in the small business incubator account established in section 4 of this act; and
 - (d) Integrate the promotion of small business incubators as economic development tools in its strategic plan.

NEW SECTION. Sec. 4. The small business incubator account is created in the custody of the state treasurer. All money received for the incubator program under section 3 of this act must be deposited in the account. Expenditures from the account may be used only for the small business incubator program. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 5. This act may be known as the Washington small business incubator and entrepreneurship assistance act of 2004.

NEW SECTION. Sec. 6. The department of community, trade, and economic development shall have no duty to provide services related to the small business incubator and entrepreneurship assistance act of 2004 unless and until the small business incubator program and related administrative expenses are funded by the legislature.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and adding a new chapter to Title 43 RCW."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pettigrew and Skinner spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2784, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2784, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMorris, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Boldt, Condotta, Kristiansen, McMahan, Mielke, Nixon and Pearson - 7.

Excused: Representatives Edwards and Hinkle - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 11, 2004

Mr. Speaker:

The President has signed:

THIRD SUBSTITUTE SENATE BILL NO. 5412,
SUBSTITUTE SENATE BILL NO. 5733,
SUBSTITUTE SENATE BILL NO. 6211,
SENATE BILL NO. 6314,
SENATE BILL NO. 6448,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6472,
SENATE BILL NO. 6490,
SENATE BILL NO. 6493,
SENATE CONCURRENT RESOLUTION NO. 8419,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1433,

ENGROSSED HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 2321,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2455,
SUBSTITUTE HOUSE BILL NO. 2475,
HOUSE BILL NO. 2476,
HOUSE BILL NO. 2485,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2488,
SUBSTITUTE HOUSE BILL NO. 2660,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2904,
SUBSTITUTE HOUSE BILL NO. 2988,
SUBSTITUTE HOUSE BILL NO. 3103,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693,
HOUSE BILL NO. 2934,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed SENATE BILL NO. 6515, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 6107,
SUBSTITUTE SENATE BILL NO. 6148,
SUBSTITUTE SENATE BILL NO. 6155,
SUBSTITUTE SENATE BILL NO. 6302,
SENATE BILL NO. 6356,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358,
SUBSTITUTE SENATE BILL NO. 6402,
SENATE BILL NO. 6488,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489,
SUBSTITUTE SENATE BILL NO. 6560,
SUBSTITUTE SENATE BILL NO. 6636,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5428, and the same is herewith transmitted.

Milt H. Doumit, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 2366,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518,
SUBSTITUTE HOUSE BILL NO. 2618,
THIRD SUBSTITUTE SENATE BILL NO. 5412,

MESSAGES FROM THE SENATE

March 11, 2004

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 6676, and the same is herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2618,
ENGROSSED SENATE BILL NO. 6188,
SUBSTITUTE SENATE BILL NO. 6189,
SUBSTITUTE SENATE BILL NO. 6225,
SENATE BILL NO. 6614,
ENGROSSED SENATE BILL NO. 6453,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6554,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6642,
SENATE BILL NO. 6643,
SUBSTITUTE SENATE BILL NO. 6655,
SENATE BILL NO. 6663,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5428,
SUBSTITUTE SENATE BILL NO. 5733,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 6107,
SUBSTITUTE SENATE BILL NO. 6148,
SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SENATE BILL NO. 6188,
SUBSTITUTE SENATE BILL NO. 6189,
SUBSTITUTE SENATE BILL NO. 6211,
SUBSTITUTE SENATE BILL NO. 6225,
SUBSTITUTE SENATE BILL NO. 6302,
SENATE BILL NO. 6314,
SENATE BILL NO. 6356,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6358,

SUBSTITUTE SENATE BILL NO. 6402,
SENATE BILL NO. 6448,
ENGROSSED SENATE BILL NO. 6453,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6472,
SENATE BILL NO. 6488,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6489,
SENATE BILL NO. 6490,
SENATE BILL NO. 6493,
SENATE BILL NO. 6515,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6554,
SUBSTITUTE SENATE BILL NO. 6560,
SENATE BILL NO. 6614,
SUBSTITUTE SENATE BILL NO. 6636,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6642,
SENATE BILL NO. 6643,
SUBSTITUTE SENATE BILL NO. 6655,
SENATE BILL NO. 6663,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418,
SENATE CONCURRENT RESOLUTION NO. 8419,

MESSAGES FROM THE SENATE

March 11, 2004

Mr. Speaker:

The Senate concurred in the House amendment to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, and passed the bill as amended by the House.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536,
SECOND SUBSTITUTE SENATE BILL NO. 6144,
SUBSTITUTE SENATE BILL NO. 6208,
SENATE BILL NO. 6339,
SENATE BILL NO. 6485,
SENATE BILL NO. 6561,
SENATE BILL NO. 6593,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

With the consent of the House, House Rule 13c was suspended.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.21.045 and 1995 c 265 s 14 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer ~~((shall))~~, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan ~~((providing benefits identical to the schedule~~

~~of covered health services that are required to be delivered to an individual enrolled in the basic health plan))~~ featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more ~~((or less))~~ comprehensive benefits than ~~((the basic health plan, provided such plans are in accordance with this chapter))~~ those included in the product offered under this subsection. An insurer offering a health benefit plan ~~((that does not include benefits in the basic health plan))~~ under this subsection shall clearly disclose ~~((these differences))~~ all covered benefits to the small employer in a brochure ~~((approved by))~~ filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 ~~((if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees))~~.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ~~((not to exceed twenty percent))~~.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) ~~((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," ~~("basic health plan,")~~ "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 2. RCW 48.43.005 and 2001 c 196 s 5 and 2001 c 147 s 1 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does

not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract,"

"service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. ~~((The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes))~~ A self-employed individual or sole proprietor ~~((who derives))~~ must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to the effective date of this section shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 3. RCW 48.43.018 and 2001 c 196 s 8 are each amended to read as follows:

(1) Except as provided in (a) through ~~((e))~~ (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier shall accept an application without a standard health

questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan and, but for the number of persons employed by his or her employer, would have qualified for continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

Sec. 4. RCW 48.43.035 and 2000 c 79 s 24 are each amended to read as follows:

For group health benefit plans, the following shall apply:

(1) All health carriers shall accept for enrollment any state resident within the group to whom the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. The carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the insurance commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

(a) A carrier has zero enrollment on a product; ((~~or~~))

(b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; ((~~or~~))

(c) No sooner than January 1, 2005, a carrier discontinues offering a particular type of health benefit plan offered for groups of up to two hundred if: (i) The carrier provides notice to each group of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each group provided coverage of this type the option to enroll, with regard to small employer groups, in any other small employer group plan, or with regard to groups of up to two hundred, in any other applicable group plan, currently being offered by the carrier in the applicable group market; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage;

(d) A carrier discontinues offering all health coverage in the small group market or for groups of up to two hundred, or both markets, in the state and discontinues coverage under all existing group health benefit plans in the applicable market involved if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all such coverage in the state and its intent to discontinue coverage under all such existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all such existing health benefit plans; and (ii) the carrier provides notice to each covered group of the intent to discontinue the existing health benefit plan at least one hundred eighty days prior to the date of discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any group health coverage in this state in the applicable group market involved for a five-year period beginning on the date of the discontinuation of the last health benefit plan not so renewed. This subsection (4) does not require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants when the carrier does not discontinue coverage of existing enrollees under that health benefit plan; or

(e) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(6) Notwithstanding any other provision of this section, the guarantee of continuity of coverage applies to a group of one only if: (a) The carrier continues to offer any other small employer group plan in which the group of one was eligible to enroll on the day prior to the effective date of this section; and (b) the person continues to qualify as a group of one under the criteria in place on the day prior to the effective date of this section.

Sec. 5. RCW 48.43.038 and 2000 c 79 s 25 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all individual health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium.

(2) The guarantee of continuity of coverage required in individual health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(3) This section does not apply in the following cases:

(a) A carrier has zero enrollment on a product;

(b) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded;

(c) No sooner than the first day of the month following the expiration of a one hundred eighty-day period beginning on March 23, 2000, a carrier discontinues offering a particular type of health benefit plan offered in

the individual market, including conversion contracts, if: (i) The carrier provides notice to each covered individual provided coverage of this type of such discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each individual provided coverage of this type the option, without being subject to the standard health questionnaire, to enroll in any other individual health benefit plan currently being offered by the carrier; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage; or

(d) A carrier discontinues offering all individual health coverage in the state and discontinues coverage under all existing individual health benefit plans if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all individual health coverage in the state and its intent to discontinue coverage under all existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all existing health benefit plans; and (ii) the carrier provides notice to each covered individual of the intent to discontinue his or her existing health benefit plan at least one hundred eighty days prior to the date of such discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any individual health coverage in this state for a five-year period beginning on the date of the discontinuation of the last health plan not so renewed. Nothing in this subsection (3) shall be construed to require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants where the carrier does not discontinue coverage of existing enrollees under that health benefit plan.

(4) The provisions of this section do not apply to health plans deemed by the commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the commissioner.

Sec. 6. RCW 48.44.022 and 2000 c 79 s 30 are each amended to read as follows:

(1) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023.

(3) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 7. RCW 48.44.023 and 1995 c 265 s 16 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer (~~shall~~), either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan (~~providing~~

~~benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan)) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more (or less) comprehensive benefits than ((the basic health plan, provided such plans are in accordance with this chapter)) those included in the product offered under this subsection. A contractor offering a health benefit plan ((that does not include benefits in the basic health plan)) under this subsection shall clearly disclose ((these differences)) all covered benefits to the small employer in a brochure ((approved by)) filed with the commissioner.~~

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 ((if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty five employees)).

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ((basic health plan services)) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ((not to exceed twenty percent)).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) ~~((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 8. RCW 48.46.064 and 2000 c 79 s 33 are each amended to read as follows:

(1) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age;

(iv) Tenure discounts; and

(v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066.

(3) As used in this section and RCW 48.46.066, "health benefit plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 9. RCW 48.46.066 and 1995 c 265 s 18 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer (~~shall~~), either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan (~~providing~~

benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more ~~((or less))~~ comprehensive benefits than ~~((the basic health plan, provided such plans are in accordance with this chapter))~~ those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan ~~((that does not include benefits in the basic health plan))~~ under this subsection shall clearly disclose ~~((these differences))~~ all the covered benefits to the small employer in a brochure ~~((approved by))~~ filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 ~~((if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty five employees))~~.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the ~~((basic health plan services))~~ health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs ~~((not to exceed twenty percent))~~.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) ~~((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 10. RCW 48.21.143 and 1997 c 276 s 3 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan(~~as required by RCW 48.21.045~~).

Sec. 11. RCW 48.21.250 and 1984 c 190 s 2 are each amended to read as follows:

Every insurer that issues policies providing group coverage for hospital or medical expense shall offer the policyholder an option to include a policy provision granting a person who becomes ineligible for coverage under the group policy, the right to continue the group benefits for a period of time and at a rate agreed upon.

~~((The policy provision shall provide that when such coverage terminates, the covered person may convert to a policy as provided in RCW 48.21.260.))~~

Sec. 12. RCW 48.44.315 and 1997 c 276 s 4 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan(~~(, as required by RCW 48.44.022 and 48.44.023)~~).

Sec. 13. RCW 48.44.360 and 1984 c 190 s 5 are each amended to read as follows:

Every health care service contractor that issues group contracts providing group coverage for hospital or medical expense shall offer the contract holder an option to include a contract provision granting a person who becomes ineligible for coverage under the group contract, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The contract provision shall provide that when such coverage terminates, the covered person may convert to a contract as provided in RCW 48.44.370.))~~

Sec. 14. RCW 48.46.272 and 1997 c 276 s 5 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for

controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan(~~as required by RCW 48.46.064 and 48.46.066~~).

Sec. 15. RCW 48.46.440 and 1984 c 190 s 8 are each amended to read as follows:

Every health maintenance organization that issues agreements providing group coverage for hospital or medical care shall offer the agreement holder an option to include an agreement provision granting a person who becomes ineligible for coverage under the group agreement, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The agreement provision shall provide that when such coverage terminates the covered person may convert to an agreement as provided in RCW 48.46.450.))~~

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 48.21.260 (Conversion policy to be offered--Exceptions, conditions) and 1984 c 190 s 3;

(2) RCW 48.21.270 (Conversion policy--Restrictions and requirements) and 1984 c 190 s 4;

(3) RCW 48.44.370 (Conversion contract to be offered--Exceptions, conditions) and 1984 c 190 s 6;

(4) RCW 48.44.380 (Conversion contract--Restrictions and requirements) and 1984 c 190 s 7;

(5) RCW 48.46.450 (Conversion agreement to be offered--Exceptions, conditions) and 1984 c 190 s 9;

and

(6) RCW 48.46.460 (Conversion agreement--Restrictions and requirements) and 1984 c 190 s 10.

NEW SECTION. Sec. 17. Sections 1 through 15 of this act apply to all small group health benefit plans issued or renewed on or after the effective date of this section."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 48.21.045, 48.43.018, 48.43.035, 48.43.038, 48.44.022, 48.44.023, 48.46.064, 48.46.066, 48.21.143, 48.21.250, 48.44.315, 48.44.360, 48.46.272, and 48.46.440; reenacting and amending RCW 48.43.005; creating a new section; and repealing RCW 48.21.260, 48.21.270, 48.44.370, 48.44.380, 48.46.450, and 48.46.460."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

MOTION

On motion of Representative Cody, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460, and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474, with the following amendment:

Strike everything after the enacting clause and insert the following:

"GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 2003 c 360 s 102 (uncodified) is amended to read as follows:
FOR THE MARINE EMPLOYEES COMMISSION
Puget Sound Ferry Operations Account--State Appropriation (~~(\$352,000)~~)

\$365,000

NEW SECTION. **Sec. 102.** A new section is added to 2003 c 360 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--INITIATIVE MEASURE NO. 776 COSTS
Motor Vehicle Account--State Appropriation \$1,200,000
Motor Vehicle Account--Local Appropriation \$2,100,000
TOTAL APPROPRIATION \$3,300,000

The appropriations in this section are subject to the following conditions and limitations: \$1,200,000 of the motor vehicle account--state appropriation and \$2,100,000 of the motor vehicle account--local appropriation are provided solely for the administrative costs associated with issuing refunds resulting from *Pierce County et al. v. State of Washington et al.* (Supreme Court Cause No. 73607-3), upholding the Initiative Measure No. 776. Funds may not be expended unless the King county superior court issues a final order requiring the repayment of fees collected.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2003 c 360 s 202 (uncodified) is amended to read as follows:
FOR THE COUNTY ROAD ADMINISTRATION BOARD
Rural Arterial Trust Account--State Appropriation \$769,000
Motor Vehicle Account--State Appropriation (~~(\$1,927,000)~~)

\$1,934,000

County Arterial Preservation Account--State Appropriation \$719,000
TOTAL APPROPRIATION (~~(\$3,415,000)~~)

\$3,422,000

Sec. 202. 2003 c 360 s 203 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION IMPROVEMENT BOARD
Urban Arterial Trust Account--State Appropriation (~~(\$1,611,000)~~)

\$1,613,000

Transportation Improvement Account--State Appropriation (~~(\$1,620,000)~~)
TOTAL APPROPRIATION (~~(\$3,231,000)~~)

\$1,622,000

\$3,235,000

Sec. 203. 2003 c 360 s 204 (uncodified) is amended to read as follows:
FOR THE BOARD OF PILOTAGE COMMISSIONERS
Pilotage Account--State Appropriation (~~(\$272,000)~~)

\$344,000

Sec. 204. 2003 c 360 s 206 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION COMMISSION
Motor Vehicle Account--State Appropriation (~~(\$807,000)~~)

\$813,000

Sec. 205. 2003 c 360 s 207 (uncodified) is amended to read as follows:
FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD
Motor Vehicle Account--State Appropriation (~~(\$616,000)~~)

\$625,000

Sec. 206. 2003 c 360 s 208 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU
State Patrol Highway Account--State Appropriation (~~(\$171,269,000)~~)

\$174,438,000

State Patrol Highway Account--Federal Appropriation ((\$6,167,000))	<u>\$6,957,000</u>
State Patrol Highway Account--Private/Local Appropriation \$175,000	
TOTAL APPROPRIATION ((\$177,611,000))	<u>\$181,570,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies are authorized to use state patrol vehicles for the purposes of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2004, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) \$2,075,000 of the state patrol highway account--state appropriation in this section is provided solely for the addition of thirteen troopers to those permanently assigned to vessel and terminal security. The Washington state patrol shall continue to provide the enhanced services levels established after September 11, 2001.

(3) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account created under section 1501 of this act, no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(4) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31 of each year.

(5) \$2,138,000 of the state patrol highway account--state appropriation is provided solely for additional security personnel and equipment necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard.

(6) \$264,600 of the state patrol highway account--state appropriation in this subsection is provided solely for two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives, as part of their duty to police the public highways, shall work cooperatively with the department of licensing's driver's special investigation unit.

Sec. 207. 2003 c 360 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--State Appropriation ((\$69,993,000))	<u>\$69,799,000</u>
State Patrol Highway Account--Private/Local Appropriation \$1,290,000	
TOTAL APPROPRIATION ((\$71,283,000))	<u>\$71,089,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((+))~~ Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

~~((2) The Washington state patrol shall assign two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives shall work cooperatively with the department of licensing's driver's special investigation unit.)~~

Sec. 208. 2003 c 360 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation ((\$7,000))	<u>\$3,000</u>
Motorcycle Safety Education Account--State Appropriation ((\$85,000))	
Wildlife Account--State Appropriation ((\$77,000))	<u>\$97,000</u>

	<u>\$84,000</u>
Highway Safety Account--Local Appropriation \$6,000	
Highway Safety Account--State Appropriation ((\$8,286,000))	
	<u>\$8,316,000</u>
Motor Vehicle Account--State Appropriation ((\$4,623,000))	
	<u>\$4,403,000</u>
DOL Services Account--State Appropriation ((\$107,000))	
	<u>\$144,000</u>
TOTAL APPROPRIATION ((\$13,185,000))	
	<u>\$13,053,000</u>

Sec. 209. 2003 c 360 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$2,000	
Motorcycle Safety Education Account--State Appropriation ((\$133,000))	
	<u>\$144,000</u>
Wildlife Account--State Appropriation ((\$58,000))	
	<u>\$55,000</u>
Highway Safety Account--State Appropriation ((\$10,489,000))	
	<u>\$11,656,000</u>
Highway Safety Account--Federal Appropriation \$6,000	
Highway Safety Account--Local Appropriation \$60,000	
Motor Vehicle Account--State Appropriation ((\$6,569,000))	
	<u>\$6,285,000</u>
DOL Services Account--State Appropriation ((\$670,000))	
	<u>\$1,220,000</u>
TOTAL APPROPRIATION ((\$17,927,000))	
	<u>\$19,428,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature detailing the progress made in transitioning off of the Unisys system by December 1, 2003, and each December 1 thereafter.

(2) \$151,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. The authority to expend funds provided under this subsection is subject to compliance with the provisions under section 504 of this act. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 210. 2003 c 360 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$60,000	
License Plate Technology Account--State Appropriation \$2,000,000	
Wildlife Account--State Appropriation \$585,000	
Motor Vehicle Account--Local Appropriation \$1,372,000	
Motor Vehicle Account--State Appropriation ((\$61,509,000))	
	<u>\$58,193,000</u>
Motor Vehicle Account--Federal Appropriation \$600,000	
DOL Services Account--State Appropriation ((\$3,211,000))	
	<u>\$3,844,000</u>
TOTAL APPROPRIATION ((\$67,337,000))	
	<u>\$66,654,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$81,000 of the DOL services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$58,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6325. If Substitute Senate Bill No. 6325 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$192,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6710. If Engrossed Senate Bill No. 6710 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(6) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6688. If Substitute Senate Bill No. 6688 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(7) \$33,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2910. If Substitute House Bill No. 2910 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(8) \$25,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6148. If Substitute Senate Bill No. 6148 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) \$2,000,000 of the license plate technology account--state appropriation and \$400,000 of the motor vehicle account--state appropriation are provided solely for the implementation of a digital license plate printing system. Within the amounts provided, the department shall fund the implementation of a digital license plate system including: The purchase or lease of digital license plate printing equipment by correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. The department shall expend all of the license plate technology account--state appropriation before expending any of the motor vehicle account--state appropriation. By December 1, 2004, the department and correctional industries shall submit a joint report to the transportation committees of the legislature detailing a digital license plate printing system implementation plan. By June 30, 2005, the department and correctional industries shall submit a joint report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process.

Sec. 211. 2003 c 360 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,576,000

Highway Safety Account--State Appropriation (~~(\$84,809,000)~~)

\$87,259,000

Highway Safety Account--Federal Appropriation \$318,000

Highway Safety Account--Local Appropriation \$67,000

TOTAL APPROPRIATION (~~(\$87,703,000)~~)

\$90,220,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) \$369,000 of the highway safety account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681. Within the amount provided in this subsection, the department is authorized to accept applications for driver's license and identicard renewals via the mail or internet. If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) \$282,000 of the highway safety account--state appropriation is provided solely for the implementation of Third Substitute Senate Bill No. 5412. Within the amount provided, the department of licensing shall prepare to implement a "one-to-one" biometric matching system that compares the biometric identifier submitted to the individual applicant's record. The authority to expend funds provided under this subsection is subject to compliance with the provisions under section 504 of this act. If Third Substitute Senate Bill No. 5412 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(4) \$354,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2532. If Substitute House Bill No. 2532 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(5) \$538,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2660. If Substitute House Bill No. 2660 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 212. 2003 c 360 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation (~~(\$58,661,000)~~)

\$56,236,000

Motor Vehicle Account--Federal Appropriation \$5,163,000

Puget Sound Ferry Operations Account--State Appropriation ((\$6,583,000))	<u>\$7,038,000</u>
Multimodal Transportation Account--State Appropriation \$363,000	
TOTAL APPROPRIATION ((\$70,770,000))	<u>\$68,800,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$715,000 of the motor vehicle account state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application modernization. The legislative transportation committee shall approve the statement of work before the consultant is hired. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan.~~)

The department and the consultant shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication. The department shall provide a report on its proposed application modernization plan to the transportation committees of the legislature by June 30, 2004.) \$850,000 of the motor vehicle account--state appropriation is provided for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the 2004 interim to shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects.

(2)(a) (~~(\$2,963,000)~~) \$2,959,000 of the motor vehicle account--state appropriation and \$2,963,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) (~~(\$400,000)~~) \$200,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program. (~~(\$200,000 of this amount must be held in allotment reserve until a smart card report is delivered to the legislative transportation committee indicating that an agreement on which technology will be used throughout the state of Washington for the smart card program has been reached among smart card participants.)~~)

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

Sec. 213. 2003 c 360 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING	
Motor Vehicle Account--State Appropriation ((\$31,048,000))	<u>\$30,981,000</u>

Sec. 214. 2003 c 360 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F	
Aeronautics Account--State Appropriation ((\$5,107,000))	<u>\$5,607,000</u>
Aeronautics Account--Federal Appropriation ((\$650,000))	<u>\$2,150,000</u>
Aircraft Search and Rescue Safety and Education Account--State Appropriation ((\$282,000))	<u>\$260,000</u>
TOTAL APPROPRIATION ((\$6,039,000))	<u>\$8,017,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,381,000 of the aeronautics account--state appropriation is provided solely for additional preservation grants to airports. (~~(\$122,000 of the aircraft search and rescue safety and education account state appropriation is provided for additional search and rescue and safety and education activities.)~~) If Senate Bill No. 6056 is not enacted by June 30, 2003, the amounts provided shall lapse.

Sec. 215. 2003 c 360 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation (~~(\$49,010,000)~~) \$49,056,000
Motor Vehicle Account--Federal Appropriation \$400,000
TOTAL APPROPRIATION (~~(\$49,410,000)~~) \$49,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in sections 305 and 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee. The committee shall develop a model national environmental policy act (NEPA) tribal consultation process for federal transportation aid projects related to the preservation of cultural, historic, and environmental resources. The process shall ensure that Tribal participation in the NEPA consultation process is conducted pursuant to treaty rights, federal law, and state statutes, consistent with their expectations for protection of such resources.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

Sec. 216. 2003 c 360 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation (~~(\$1,011,000)~~) \$1,411,000

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the motor vehicle account--state appropriation is provided solely for a traffic study of the Mount Saint Helens tourist and recreational area. The study shall analyze existing and potential traffic patterns in the area. \$200,000 of the motor vehicle account--state appropriation is provided solely for an economic analysis study of the Mount Saint Helens tourist and recreational area. The study shall develop funding strategies sufficient to fund construction of a connection between state route number 504 and forest service road number 99. The economic study shall also include an analysis of potential partnership funding plans involving the use of tolls in order to determine the potential to pay for ongoing maintenance and operations requirements of visitor centers, roads, and other amenities provided to tourists. The purpose and results of the studies shall be made available to citizens, businesses, and community organizations in the affected area. The studies shall be completed and submitted to the transportation committees of the legislature by December 31, 2004.

Sec. 217. 2003 c 360 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation (~~(\$283,350,000)~~) \$283,991,000
Motor Vehicle Account--Federal Appropriation \$1,426,000
Motor Vehicle Account--Private/Local Appropriation \$4,253,000
TOTAL APPROPRIATION (~~(\$289,029,000)~~) \$289,670,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:

- (a) Meeting or exceeding the target for structural bridge repair on a statewide basis;
- (b) Eliminating the number of activities delivered in the "f" level of service at the region level;
- (c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and
- (d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

Sec. 218. 2003 c 360 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--
OPERATING**

Motor Vehicle Account--State Appropriation ((\$38,869,000))	\$38,924,000
Motor Vehicle Account--Private/Local Appropriation \$125,000	
TOTAL APPROPRIATION ((\$38,994,000))	\$39,049,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

(4) The appropriation authority under this section includes spending authority to administer the motorist information sign panel program. The department shall establish the annual fees charged for these services so that all costs to administer this program are recovered; in no event, however, shall the department charge more than:

(a) \$1,000 per business per location on freeways and expressways with average daily trips greater than 80,000;

(b) \$750 per business per location on freeways and expressways with average daily trips less than 80,000; and

(c) \$400 per business per location on conventional highways.

Sec. 219. 2003 c 360 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND
SUPPORT--PROGRAM S**

Motor Vehicle Account--State Appropriation ((\$24,852,000))	\$24,579,000
Motor Vehicle Account--Federal Appropriation \$636,000	
Puget Sound Ferry Operations Account--State Appropriation \$1,093,000	
Multimodal Transportation Account--State Appropriation \$973,000	
TOTAL APPROPRIATION ((\$27,554,000))	\$27,281,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$627,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

(2) The department shall transfer at no cost to the Washington state patrol the title to the Walla Walla colocation facility.

Sec. 220. 2003 c 360 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND
RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation ((\$30,064,000))	<u>\$29,494,000</u>
Motor Vehicle Account--Federal Appropriation \$14,814,000	
Multimodal Transportation Account--State Appropriation ((\$1,021,000))	<u>\$1,521,000</u>
Multimodal Transportation Account--Federal Appropriation \$2,000,000	
TOTAL APPROPRIATION ((\$47,899,000))	<u>\$47,829,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound (including state route 169), Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act, and must include measurement of all modes of transportation.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts. As a condition of receiving this support, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau.

(3) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 208(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 208(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

(7) \$500,000 of the multimodal transportation account--state appropriation is provided solely for contracting with the department of natural resources to develop data systems for state submerged lands that can be shared with other governmental agencies and that can support the state vision for ecoregional planning. The data to be shared shall include, but not limited to, tabular and geospatial data describing public land ownership, distributions of native plants, marine and aquatic species and their habitats, physical attributes, aquatic ecosystems, and specially designated conservation or environmentally sensitive areas.

Sec. 221. 2003 c 360 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation ((\$61,082,000))	<u>\$54,738,000</u>
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$50,799,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES ((\$989,000))	<u>\$848,000</u>
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ((\$823,000))	<u>\$819,000</u>
(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000	
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL ((\$2,252,000))	<u>\$2,786,000</u>
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND	

ADMINISTRATION ((~~\$50,799,000~~))

\$43,799,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION
CAPITAL PROJECTS SURCHARGE \$1,846,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT ((~~\$523,000~~))

\$538,000

(h) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS
ENTERPRISES \$252,000

Sec. 222. 2003 c 360 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State Appropriation ((~~\$46,457,000~~))

\$47,057,000

Multimodal Transportation Account--Federal Appropriation \$2,574,000

Multimodal Transportation Account--Private/Local Appropriation \$155,000

TOTAL APPROPRIATION ((~~\$49,186,000~~))

\$49,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. \$14,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for transit agencies to transport persons with special transportation needs. Moneys shall be to provide additional service only and may not be used to supplant current funding. Grants shall only be used by nonprofit providers and transit agencies for capital and operating costs directly associated with adding additional service. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.~~))
\$18,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$4,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$14,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(4) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. ((~~Only grants that add vanpools are eligible, no~~)) No additional employees may be hired for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants will include leveraging funds other than state funds. The commute trip reduction task force shall determine the cost effectiveness of the grants, including vanpool system coordination, regarding the use of the funds.

(5) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the commute trip reduction program for Benton county.

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided to the city of Seattle for the Seattle streetcar project on South Lake Union.

(7) \$500,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program.

Sec. 223. 2003 c 360 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State Appropriation (~~(\$309,580,000)~~)

\$312,490,000

Multimodal Transportation Account--State Appropriation \$5,120,000

TOTAL APPROPRIATION (~~(\$314,700,000)~~)

\$317,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of (~~(\$34,701,000)~~) \$35,348,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed (~~(\$207,757,000)~~) \$208,935,700, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$495.30 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$567.67 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) \$4,234,000 of the multimodal transportation account--state appropriation and \$800,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry. The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, with an additional goal of eighty percent, through increased fares, lower operation costs, and other cost-saving measures as appropriate. In order to implement the plan, ferry system management is authorized to negotiate changes in work hours (requirements for split shift work), but only with respect to operating passenger-only ferry service, to be included in a collective bargaining agreement in effect during the 2003-05 biennium that differs from provisions regarding work hours in the prior collective bargaining agreement. The department must report to the transportation committees of the legislature by December 1, 2003.

(4) \$984,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(5) \$866,000 of the multimodal transportation account--state appropriation and \$200,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Bremerton to Seattle passenger-only ferry service for thirteen weeks.

~~((5))~~ (6) The department shall study the potential for private or public partners, including but not limited to King county, to provide passenger-only ferry service from Vashon to Seattle. The department shall report to the legislative transportation committees by December 31, 2003.

~~((6))~~ (7) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

~~((7))~~ (8) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

~~((8))~~ (9) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long-term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and

options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

~~((9))~~ (10) The department must provide a separate accounting of passenger-only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

~~((10))~~ (11) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card). Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

~~((11))~~ (12) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

Sec. 224. 2003 c 360 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State Appropriation (~~(\$35,075,000)~~)

\$34,118,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$30,831,000)~~ \$29,961,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia (B.C.) concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

(5) The department shall undertake an origin and destination study to provide data that may be used for a new passenger train cost sharing agreement with the state of Oregon. The study shall be delivered to the transportation committees of the legislature before July 1, 2004.

Sec. 225. 2003 c 360 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--
OPERATING

Motor Vehicle Account--State Appropriation (~~(\$7,057,000)~~)

\$7,067,000

Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION (~~(\$9,626,000)~~)

\$9,636,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

(3) In addition to other gubernatorial appointees, the state historic preservation officer shall be appointed to any steering committee that makes the final selection of projects funded from the surface transportation program enhancement funds or a similar program anticipated to be authorized in the extension or reauthorization of the transportation equity act for the 21st century (TEA-21).

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2003 c 360 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation (~~(\$17,296,000)~~)

\$17,186,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire motor vehicle account--state appropriation is provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report as transmitted to LEAP on April 27, 2003.

(2) The department shall develop a standard design for all maintenance facilities to be funded under this section. Prior to developing design standards, the department must solicit input from all personnel classifications typically employed at maintenance facilities. By September 1, 2003, the department shall submit a report to the legislative transportation committees describing the stakeholder involvement process undertaken and the adopted design standards for maintenance facilities.

Sec. 302. 2003 c 360 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State Appropriation (~~(\$565,300,000)~~)

\$558,465,000

~~(Transportation 2003 Account (Nickel Account) Federal Appropriation \$950,000~~

~~Transportation 2003 Account (Nickel Account) Local Appropriation \$3,434,000))~~

Motor Vehicle Account--State Appropriation (~~(\$157,374,000)~~)

\$159,135,000

Motor Vehicle Account--Federal Appropriation (~~(\$192,940,000)~~)

\$201,578,000

Motor Vehicle Account--Local Appropriation (~~(\$13,258,000)~~)

\$30,158,000

Special Category C Account--State Appropriation \$50,279,000

Tacoma Narrows Toll Bridge Account Appropriation (~~(\$613,300,000)~~)

\$603,992,000

TOTAL APPROPRIATION (~~(\$1,596,835,000)~~)

\$1,603,607,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$157,374,000 of the motor vehicle account--state appropriation, \$192,940,000 of the motor vehicle account--federal appropriation, \$13,258,000 of the motor vehicle account--local appropriation, and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report as transmitted to LEAP on April 27, 2003.)~~) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law List under the heading "Nickel Funds" as transmitted to LEAP on March 11, 2004. However, limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.

(a) Within the amount provided in this subsection, \$11,000,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.

(b) Within the amount provided in this subsection, \$250,000 of the transportation 2003 account (Nickel Account)--state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven-member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection (1)(b) shall lapse.

(2) \$126,533,253 of the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided solely to implement the projects as indicated in the Legislative 2003 Transportation Project List - New Law List under the heading "Pre-Existing Revenues" as transmitted to LEAP on March 11, 2004.

(3) The motor vehicle account--state appropriation includes (~~(\$78,000,000)~~) \$93,615,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. The motor vehicle account--state appropriation includes (~~(\$18,038,000)~~) \$17,380,000 in

unexpended proceeds from bond sales authorized in RCW 47.10.843 for mobility and economic initiative improvement projects.

~~((3))~~ (4) \$192,180,381 of the motor vehicle account--state appropriation and motor vehicle account--federal appropriation and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the projects included in the Legislative 2003 Transportation Project List - Current Law List under the heading "Improvement Projects" as transmitted to LEAP on March 11, 2004. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(a) Within the amounts provided in this subsection, \$1,700,000 of the motor vehicle account--state appropriation is provided solely for the I-5 Salmon creek noisewall project.

(b) Within amounts provided in this subsection, \$100,000 of the motor vehicle account--state appropriation is provided solely for the department to hire a consultant to complete a cost-benefit analysis comparing the efficiency of having high-occupancy vehicle (HOV) lanes in the right lane versus the left lane. The study shall compare the costs, and the traffic efficiencies of building HOV lanes in the right and left lanes. The study shall be completed and submitted to the transportation committees of the legislature by December 1, 2004.

(c) Within amounts provided in this subsection, \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:

(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:

(A) Ability to carry long-haul freight;

(B) Ability to provide for passenger auto travel;

(C) Freight rail;

(D) Passenger rail;

(E) Public utilities; and

(F) Other ancillary facilities as may be desired to maximize use of the corridor;

(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums;

(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction; and

(iv) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.

(d) Within the amounts provided in this subsection, \$2,480,000 of the motor vehicle account--state appropriation is provided solely for either the SR 28 east end of the George Sellar bridge - phase 1 project or the US 2/97 Peshastin East Interchange project.

(e) Within the amounts provided in this subsection, \$400,000 of the motor vehicle account--state appropriation and \$150,000 of the motor vehicle account--local appropriation are provided solely for a route development plan to identify the future transportation improvements that should be pursued for state route 169. The study shall include the following elements:

(i) Documentation of existing conditions;

(ii) Determination of present and future operating conditions;

(iii) Development and testing of various transportation conceptual improvement strategies;

(iv) Preliminary environmental analysis;

(v) Public involvement; and

(vi) Cost estimates for the identified conceptual improvements.

(f) Within the amounts provided in this subsection, \$1,200,000 from the motor vehicle account--state appropriation is provided solely for the SR507-SR510 Yelm Bypass project.

(g) Within the amount provided in this subsection, \$650,000 from the motor vehicle account--state appropriation is provided solely for the SR164 Corridor Analysis project.

(5) A maximum of \$28,643,607 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for direct project support costs, including, but not limited to, direct project support, property management, scenic byways, and other administration.

(6) A maximum of \$9,238,726 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for environmental retrofit improvement projects not included in the list in subsection (4) of this section.

(7) A maximum of \$2,266,813 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for improvement projects programmed through the transportation commission's priority programming process.

(8) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state

appropriation includes (~~(\$46,300,000)~~) \$36,992,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

~~((4))~~ (9) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.

~~((5) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List—New Law report transmitted to LEAP on April 27, 2003.~~

~~(6))~~ (10) The (~~(motor vehicle account)~~) transportation 2003 account (nickel account)--state appropriation includes (~~(\$280,000,000)~~) \$275,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((7) \$11,000,000 of the motor vehicle account—state appropriation is provided solely for the environmental impact statement on the SR-520 Evergreen floating bridge.~~

~~(8) \$250,000 of the transportation 2003 account (Nickel Account)—state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR-520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.~~

~~(9)(a) \$500,000 of the motor vehicle account—state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:~~

~~(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:~~

~~(A) Ability to carry long-haul freight;~~

~~(B) Ability to provide for passenger auto travel;~~

~~(C) Freight rail;~~

~~(D) Passenger rail;~~

~~(E) Public utilities; and~~

~~(F) Other ancillary facilities as may be desired to maximize use of the corridor;~~

~~(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums; and~~

~~(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction.~~

~~(b) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.~~

~~(10) \$8,000,000 of the motor vehicle account—state appropriation is provided for the SR-522, University of Washington Bothell campus access project. This amount will cover approximately one-half of the construction costs--))~~

(11) The transportation permit efficiency and accountability committee (TPEAC) shall select from the project list under ~~((this))~~ subsection (1) of this section ten projects that have not yet secured state permits. TPEAC shall select projects from both urban and rural areas representing a wide variety of locations within the state. These projects shall be designated "Department of Transportation Permit Drafting Pilot Projects" and shall become a part of the work plan of TPEAC required under section 2(1)(b), chapter 8 (ESB 5279), Laws of 2003.

(12) Of the amounts appropriated in this section and section 306 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((4))~~ (13) To manage some projects more efficiently, federal funds may be transferred from program Z to program I (~~(to replace those federal))~~ and replaced with state funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs, except in order to accept federally earmarked funds and maintain eligibility for federal discretionary programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(14) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(15) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right of way acquisition, or construction on the project if it could have the effect of reducing roadway capacity on that facility.

(16) In conducting its environmental impact statement responsibilities on the Alaskan Way Viaduct project, the department of transportation must provide briefings and consult with the legislators in the affected project area, and the chairs of the transportation committees of the legislature, on the design alternatives for that facility.

Sec. 303. 2003 1st sp.s. c 26 s 506 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation 2003 Account (Nickel Account) \$2,000,000

Motor Vehicle Account--State Appropriation (~~(\$178,909,000)~~)

\$205,349,000

Motor Vehicle Account--Federal Appropriation (~~(\$457,467,000)~~)

\$499,067,000

Motor Vehicle Account--Local Appropriation \$12,666,000

Multimodal Account--State Appropriation \$1,690,000

~~(Multimodal Account--Federal Appropriation \$4,247,000)~~

Puyallup Tribal Settlement Account--State Appropriation \$11,000,000

TOTAL APPROPRIATION (~~(\$656,979,000)~~)

\$731,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, \$1,690,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List--Current Law report transmitted to LEAP on April 27, 2003.)~~) The entire 2003 transportation account (nickel account) appropriation is provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law List under the heading "Nickel Funds" as transmitted to LEAP on March 11, 2004. However, limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.

(2) \$35,974,657 of the motor vehicle account--state appropriation and motor vehicle account--federal appropriation and \$11,000,000 of the Puyallup tribal settlement account--state appropriation are provided solely to implement the projects included in the Legislative 2003 Transportation Project List - Current Law List under the heading "Bridge Improvements" as transmitted to LEAP on March 11, 2004. The department shall manage all projects on the list within the overall expenditure authority provided in this subsection.

(a) Within the amounts provided in this subsection, \$1,000,000 of the motor vehicle account--state appropriation is provided solely for the Purdy creek bridge project. The 2005-07 biennium appropriations for this project are expected to be \$5,074,000.

(b) Within the amounts provided in this subsection, \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11st Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department is allowed to use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event will the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) A maximum of \$211,585,010 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation and \$1,690,000 of the multimodal account--state appropriation are provided for roadway preservation projects.

(4) A maximum of \$55,336,893 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for bridge repair projects.

(5) A maximum of \$51,562,422 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for other facilities preservation projects.

(6) A maximum of \$38,968,540 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for other preservation projects programmed through the transportation commission's priority programming process.

(7) A maximum of \$56,737,803 from the motor vehicle account--state appropriation and motor vehicle account--federal appropriation is provided for direct project support costs, including, but not limited to, direct project support, property management, scenic byways, and other administration.

(8) \$81,147,069 of the motor vehicle account--state appropriation and \$173,103,529 of the motor vehicle account--federal appropriation are provided solely for the Hood Canal bridge project.

(9) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

~~((3))~~ (10) The motor vehicle account--state appropriation includes \$77,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((4) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.~~

~~((5))~~ (11) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((6))~~ (12) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((7))~~ (13) To manage some projects more efficiently, federal funds may be transferred from program Z to program P (~~to replace those federal~~) and replaced with state funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs, except in order to accept federally earmarked funds and maintain eligibility for federal discretionary programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(14) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

Sec. 304. 2003 c 360 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES
CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation ((\$129,066,000))	<u>\$108,330,000</u>
Puget Sound Capital Construction Account--Federal Appropriation ((\$34,400,000))	<u>\$69,881,000</u>
<u>Puget Sound Capital Construction Account--Local Appropriation \$249,000</u>	
<u>Multimodal Transportation Account--State Appropriation \$13,381,000</u>	
<u>Transportation 2003 Account (nickel account) Appropriation \$5,749,000</u>	
<u>TOTAL APPROPRIATION ((\$182,596,000))</u>	<u>\$197,590,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel (~~improvements~~) preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$11,772,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~(2) ((\$129,066,000 of the Puget Sound capital construction account--state appropriation and \$34,400,000 of the Puget Sound capital construction account--federal appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List--Current Law as transmitted to the LEAP on April 27, 2003.~~

~~(3) \$17,521,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List--New Law as transmitted to the LEAP on April 27, 2003.~~

~~(4)) \$108,330,000 of the Puget Sound capital construction account--state appropriation, \$69,881,000 of the Puget Sound capital construction account--federal appropriation, \$249,000 of the Puget Sound capital construction account--local appropriation, and \$1,609,000 of the multimodal transportation account--state appropriation are provided for ferry construction projects. The department shall report against the Legislative 2003 Transportation Project List - Current Law transmitted to LEAP on March 11, 2004.~~

~~(a) Within the amounts provided in this subsection, a maximum of \$58,205,000 of the Puget Sound capital construction account--state appropriation, \$21,362,000 of the Puget Sound capital construction account--federal appropriation, \$409,000 of the multimodal transportation account--state appropriation, and \$249,000 of the Puget Sound capital construction account--local appropriation are provided for terminal projects.~~

~~(b) Within the amounts provided in this subsection, a maximum of \$44,875,000 of the Puget Sound capital construction account--state appropriation, \$48,432,000 of the Puget Sound capital construction account--federal appropriation, and \$1,200,000 of the multimodal transportation account--state appropriation are provided for vessel projects.~~

~~(c) Within the amounts provided in this subsection, \$5,250,000 of the Puget Sound capital construction account--state appropriation and \$87,000 of the Puget Sound capital construction account--federal appropriation are provided for emergency repair projects. Additionally, unused funds under (a) and (b) of this subsection, may be transferred to emergency repair projects.~~

~~(3) \$11,772,000 of the multimodal transportation account--state appropriation and \$5,749,000 of the transportation 2003 (nickel) account--state appropriation are provided solely for the projects and activities as listed by project, biennium, and amount in the Legislative 2003 Transportation Project List - New Law transmitted to LEAP on March 11, 2004. However, limited transfers of allocations between projects may occur for those amounts listed for the 2003-05 biennium subject to conditions and limitations in section 503 of this act.~~

~~(4) \$1,000,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department of transportation's Washington state ferry program to conduct a terminal analysis, including technical analysis, to determine the viability of the existing Keystone harbor. The department of transportation staff, including the chief of staff, secretary, or the secretary's designee, and the citizen advisory group formed under this subsection, shall meet at least three times during the duration of the analysis. The first meeting shall occur before the analysis is created.~~

~~(a) The technical analysis shall at a minimum include the following issues: (i) The costs and benefits associated with preserving and maintaining the terminal, including enlarging the harbor and dredging; (ii) ridership projections associated with preserving and maintaining the current terminal; (iii) maintaining and retrofitting existing vessels so they can serve the terminal; (iv) coordinating the impact of vehicles using the ferry run with highway capacity; (v) how many, if any, new vessels should be constructed; and (vi) the impact on the environment. The department shall report back to the legislative transportation committee by December 1, 2004. The report must include alternatives to relocating the Keystone Terminal.~~

~~(b) By June 1, 2004, the transportation commission shall select a citizen advisory group to be composed of the following: One Washington state ferry pilot, two members of the traveling public that use the Keystone to Port Townsend route on a regular basis, and one tug pilot.~~

~~(5) The Puget Sound capital construction account--state appropriation includes (~~(\$45,000,000)~~) \$29,385,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.~~

~~((~~(5)~~)) (6) The Washington state ferries shall consult with the United States Coast Guard regarding operational and design standards required to meet Safety of Life at Sea requirements, in an effort to determine the most efficient and cost-effective vessel design that meets these requirements.~~

~~(7) The department shall, on a quarterly basis beginning July 1, 2004, provide to the legislature reports providing the status on each project in the project lists submitted pursuant to this act to LEAP on March 11, 2004, and on any additional projects for which the department has expended funds during the 2003-05 fiscal biennium. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).~~

Sec. 305. 2003 1st sp.s. c 26 s 508 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation \$770,000	
Multimodal Transportation Account--State Appropriation ((\$34,530,000))	<u>\$35,330,000</u>
Multimodal Transportation Account--Federal Appropriation ((\$9,499,000))	<u>\$10,088,000</u>
Multimodal Transportation Account--Local Appropriation \$9,787,000	
Washington Fruit Express Account--State Appropriation \$500,000	
TOTAL APPROPRIATION ((\$45,299,000))	<u>\$56,475,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$4,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account--federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on ((~~April 27, 2003~~)) March 11, 2004.

(3) \$1,230,000 of the multimodal transportation account--state appropriation and \$770,000 of the essential rail assistance account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on ((~~April 27, 2003~~)) March 11, 2004.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

(7) The department may not execute the Palouse River & Coulee City Rail purchase until the chairs of the transportation committees of the legislature have reviewed, and the office of financial management has approved, a business plan that demonstrates the long term financial viability of state-owned, privately operated short rail service. The office of financial management shall issue to the chairs of the transportation committees of the legislature a report outlining reasons for the acceptance or rejection of the plan.

Sec. 306. 2003 c 360 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--
CAPITAL**

Highway Infrastructure Account--State Appropriation \$207,000	
Highway Infrastructure Account--Federal Appropriation \$1,602,000	
Motor Vehicle Account--State Appropriation ((\$28,425,000))	<u>\$34,496,000</u>
Motor Vehicle Account--Federal Appropriation \$1,000,000	
Multimodal Transportation Account--State Appropriation ((\$13,726,000))	<u>\$16,476,000</u>
TOTAL APPROPRIATION ((\$43,960,000))	<u>\$53,781,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law Local Projects report transmitted to LEAP on April 27, 2003.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. If dredge material is disposed of in the ocean, the department shall not expend the appropriation in this subsection unless agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) (~~(\$1,156,000)~~) \$647,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) (~~(\$4,010,000)~~) \$3,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes (~~(\$20,452,000)~~) \$15,317,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) The multimodal transportation account--state appropriation includes \$6,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the multimodal account--state appropriation is provided solely to complete the engineering and permitting necessary to implement the Skagit county flood control project.

(9) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely to support the safe routes to school program.

(10) \$12,670,000 of the motor vehicle account--state appropriation is provided solely for the local freight projects identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, \$4,650,000; Colville Alternate Truck Route, \$2,000,000; S. 228th Street Extension and Grade Separation, \$2,000,000; Duwamish Intelligent Transportation Systems (ITS), \$450,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$500,000; Granite Falls Alternate Route, \$1,800,000; Port of Kennewick/Piert Road, \$520,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(11) \$1,250,000 of the multimodal account--state appropriation is provided solely for the Port of Kalama Grain terminal track improvement project.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2003 c 360 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation (~~(\$258,971,000)~~) \$250,000,000

Nondebt-Limit Reimbursable Account Appropriation \$4,131,000

Ferry Bond Retirement Account Appropriation \$43,340,000

Transportation Improvement Board Bond Retirement Account--State Appropriation \$36,721,000

Motor Vehicle Account--State Appropriation (~~(\$3,876,000)~~)

\$5,254,000

Special Category C Account--State Appropriation (~~(\$331,000)~~)

\$338,000

Transportation Improvement Account--State Appropriation	\$240,000	
Multimodal Transportation Account--State Appropriation	\$358,000	
Transportation 2003 Account (nickel account) Appropriation	(\$2,100,000)	\$2,117,000
TOTAL APPROPRIATION (\$350,068,000)		<u>\$342,499,000</u>

Sec. 402. 2003 c 360 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation	\$1,293,000	
Special Category C Account Appropriation	\$111,000	
Transportation Improvement Account--State Appropriation	(\$5,000)	\$21,000
Multimodal Transportation Account--State Appropriation	\$119,000	
Transportation 2003 Account (nickel account)--State Appropriation	\$700,000	
TOTAL APPROPRIATION (\$2,228,000)		<u>\$2,244,000</u>

Sec. 403. 2003 c 360 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation:

For transfer to the Tacoma Narrows toll bridge account \$567,000,000

The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound capital construction account	(\$45,000,000)	<u>\$29,385,000</u>
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The department of transportation is authorized to sell up to ~~(\$45,000,000)~~ \$29,385,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2003 c 360 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION STATE TREASURER | STATE REVENUES FOR DISTRIBUTION Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ~~(\$441,359,000)~~

Motor Vehicle Account--State Appropriation:		<u>\$440,228,000</u>
For license permit and fee distributions to cities and counties	(\$51,652,000)	<u>\$13,119,000</u>

Sec. 405. 2003 c 360 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

(1) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$20,000,000

(2) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ~~(\$465,152,000)~~

		<u>\$770,347,000</u>
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(3) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$12,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

Sec. 406. 2003 c 360 s 406 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) Motor Vehicle Account--State Appropriation:

For transfer to Puget Sound Ferry Operations Account \$21,757,000

(2) RV Account--State Appropriation:

For transfer to the Motor Vehicle Account--State \$1,954,000

(3) Motor Vehicle Account--State Appropriation:

For transfer to Puget Sound Capital Construction Account (~~(\$64,287,000)~~)

\$61,287,000

(4) Puget Sound Ferry Operations Account--State Appropriation:

For transfer to Puget Sound Capital Construction Account \$22,000,000

(5) Transportation Equipment Fund--State

Appropriation:

For transfer to the Motor Vehicle Account--State \$5,000,000

(6) Advanced Right-of-Way Revolving Account--State Appropriation:

For transfer to the Motor Vehicle Account--State \$3,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsections (2) and (3) of this section up to the level provided, on an as-needed basis.

(b) The department of transportation shall transfer funds in subsection (4) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.

(c) The amount identified in subsection (4) of this section may not include any revenues collected as passenger fares.

Sec. 407. 2003 c 360 s 407 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

State Patrol Highway Account:

For transfer to the department of retirement systems expense account:

For the administrative expenses of the (~~judicial~~) Washington state patrol retirement system (~~(\$223,304)~~)
\$290,000

MISCELLANEOUS

Sec. 501. RCW 70.94.996 and 2003 c 364 s 9 are each amended to read as follows:

(1) To the extent that funds are appropriated, the department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before July 1, 2013, to their own or other employees.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any fiscal year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any fiscal year. However, this subsection does not apply during the 2003-2005 fiscal biennium.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires January 1, 2014.

NEW SECTION. Sec. 502. A new section is added to 2003 c 360 (uncodified) to read as follows:

The department is given the authority to provide up to \$3,000,000 in toll credits to Kitsap transit for its role in new passenger-only ferry service. The number of toll credits provided to Kitsap transit must be equal to, but no more than, a number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but shall not exceed the amount authorized under this section.

NEW SECTION. Sec. 503. A new section is added to 2003 c 360 (uncodified) to read as follows:

(1) The transportation commission may authorize a transfer of spending allocation within the appropriation provided and between projects as listed in the Legislative 2003 Transportation Project List - New Law to manage project spending near biennial cutoffs under the following conditions and limitations:

(a) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project, but transfers may only be made in the biennium in which the savings occur;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Transfers may be made within the current biennium from projects that are experiencing unavoidable expenditure delays, but the transfers may only occur if the commission finds that any resulting change to the nickel program financial plan provides that all projects on the list may be completed as intended by the legislature; and

(d) Transfers may not occur to projects not identified on the list.

NEW SECTION. Sec. 504. A new section is added to 2003 c 360 (uncodified) to read as follows:

INFORMATION SYSTEMS PROJECTS.

Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of

taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 505. A new section is added to 2003 c 360 (uncodified) to read as follows:

(1) It is the intent of the legislature that the freight mobility account created in Substitute Senate Bill No. 6680 maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the Washington state department of transportation may make expenditures from the account before receiving reimbursements. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle fund and the multimodal transportation account to the freight mobility account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the freight mobility account back to the motor vehicle fund and the multimodal transportation account to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the freight mobility account to the motor vehicle fund and the multimodal transportation account. Adjustments for any indirect cost recoveries may also be made at this time.

(2) This section is null and void unless either Engrossed Substitute Senate Bill No. 6701 or Engrossed Substitute Senate Bill No. 6680 is enacted by June 30, 2004.

NEW SECTION. Sec. 506. A new section is added to 2003 c 360 (uncodified) to read as follows:

Washington state ferries are more than a symbol of the state's natural beauty and economic vitality. They also are a critical component of our state's transportation system, serving as an extension of our land-based highways and transit systems, connecting Washington's people, jobs, and communities.

The investments made in the 2003 transportation funding package provide the foundation for a marine transportation system that coordinates Washington's cross-Sound marine transportation and our land-based transportation alternatives to create a fully integrated marine/land multimodal transportation system. Achieving this will require the development of a long-range vision and supporting strategy that will provide the policy guidance to define and maximize efficient delivery of quality marine transportation service to the traveling public.

(1) To accomplish this, the Washington state department of transportation shall develop a vision statement and 10-year strategy for the future development of Washington's multimodal water-based transportation system.

(a) This strategy shall recommend the most appropriate means of moving foot passengers across central Puget Sound, using Washington state ferries, alternative operators, or a combination of both, in the immediate future and over the longer term:

(i) Giving priority to those routes where passenger service likely will be provided at least for the near term on passenger-only vessels, such as Vashon-Seattle, Kingston-Seattle, Southworth-Seattle, and Clinton-Seattle. Consideration shall be given to existing public-private partnership opportunities;

(ii) Considering how service patterns will best fit in the near and long term with development goals and opportunities of Colman Dock as a major hub for integrating water transportation with other transportation modes in downtown Seattle;

(iii) Evaluating how operating economies and reasonable fare box recoveries can be established by scheduling A.M. and P.M. services to match commuter demand and to fit within existing collective bargaining agreements as interpreted and applied to facilitate "split shift" transit-like operations; and

(iv) Providing a vessel plan that most efficiently uses existing state ferry assets and provides for their likely repair and rehabilitation needs, while preserving flexibility to structure services around vessel availability that could rely on purchase or lease of additional vessels, as may suitably be required.

The strategy shall also consider the availability of partnering in operations, vessel deployment, or funding arrangements with other public transportation entities and with the private sector. The study shall also recommend the most effective use of federal funding opportunities for the overall support of integrated water transportation services on the central Puget Sound.

(b) Other components of the strategy shall include but not be limited to:

(i) A long-term plan for the ferry system's existing terminals, considering the revenue generation opportunities and potential for partnering with the private sector where appropriate. This should include a plan for generating other revenues as identified in the 2003 5-5-5 plan; and

(ii) A more equitable fare structure for the San Juan Islands, particularly for island residents.

(2) The department shall consult with key public and private sector stakeholders including business, labor, environmental community representatives, local governments, and transit agencies as part of the development of the vision statement and supporting strategy.

The long-range strategy should also recommend a short-range implementation plan for the 2005-07 biennium. The department shall provide its recommendations to the transportation committees of the legislature by December 15, 2004.

NEW SECTION. Sec. 507. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 508. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 70.94.996; amending 2003 1st sp.s. c 26 ss 506 and 508 (uncodified); amending 2003 c 360 ss 102, 202, 203, 204, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 304, 305, 308, 310, 401, 402, 403, 404, 405, 406, and 407 (uncodified); adding new sections to 2003 c 360 (uncodified); and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Murray and Ericksen spoke in favor the passage of the bill.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2474, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2474, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Armstrong, Condotta and Sump - 3.

Excused: Representatives Edwards and Flannigan - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474, as amended by the Senate, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Murray acknowledged and thanked the staff of the Transportation Committee for their hard work in developing the transportation budget. He asked the chamber to acknowledge the staff members as well.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2313, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that bail bond agents and bail bond recovery agents serve a necessary and important purpose in the criminal justice system by locating, apprehending, and surrendering fugitive criminal defendants. The legislature also recognizes that locating, apprehending, and surrendering fugitives requires special skills and expertise; that bail bond agents and bail bond recovery agents are often required to perform their duties under stressful and demanding conditions; and that it serves the public interest to have qualified people performing such essential functions. Therefore, bail bond agencies that use the services of bail bond recovery agents must, in the interest of public safety, use bail bond recovery agents who possess the knowledge and competence necessary for the job.

Sec. 2. RCW 18.185.010 and 2000 c 171 s 40 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.
- (3) "Commission" means the criminal justice training commission.
- (4) "Collateral or security" means property of any kind given as security to obtain a bail bond.
- ~~((4))~~ (5) "Bail bond agency" means a business that sells and issues corporate surety bail bonds or that provides security in the form of personal or real property to ~~((insure))~~ ensure the appearance of a criminal defendant before the courts of this state or the United States.
- ~~((5))~~ (6) "Qualified agent" means an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license.
- ~~((6))~~ (7) "Bail bond agent" means a person who is employed by a bail bond agency and engages in the sale or issuance of bail bonds, but does not mean a clerical, secretarial, or other support person who does not participate in the sale or issuance of bail bonds.
- ~~((7))~~ (8) "Licensee" means a bail bond agency ~~((or))~~, a bail bond agent ~~((or both))~~, a qualified agent, or a bail bond recovery agent.
- ~~((8))~~ (9) "Branch office" means any office physically separated from the principal place of business of the licensee from which the licensee or an employee or ~~((agents conduct))~~ agent of the licensee conducts any activity meeting the criteria of a bail bond agency.
- (10) "Bail bond recovery agent" means a person who is under contract with a bail bond agent to receive compensation, reward, or any other form of lawful consideration for locating, apprehending, and surrendering a fugitive criminal defendant for whom a bail bond has been posted. "Bail bond recovery agent" does not include a general authority Washington peace officer or a limited authority Washington peace officer.
- (11) "Contract" means a written agreement between a bail bond agent or qualified agent and a bail bond recovery agent for the purpose of locating, apprehending, and surrendering a fugitive criminal defendant in exchange for lawful consideration.
- (12) "Planned forced entry" means a premeditated forcible entry into a dwelling, building, or other structure without the occupant's knowledge or consent for the purpose of apprehending a fugitive criminal defendant subject to a bail bond. "Planned forced entry" does not include situations where, during an imminent or actual chase or pursuit of a fleeing fugitive criminal defendant, or during a casual or unintended encounter with the fugitive, the bail bond recovery agent forcibly enters into a dwelling, building, or other structure without advanced planning.

NEW SECTION. Sec. 3. A new section is added to chapter 18.185 RCW to read as follows:

An applicant must meet the following requirements to obtain a bail bond recovery agent license:

- (1) Submit a fully completed application that includes proper identification on a form prescribed by the director;

- (2) Pass an examination determined by the director to measure his or her knowledge and competence in the bail recovery business;
- (3) Be at least twenty-one years old;
- (4) Be a citizen or legal resident alien of the United States;
- (5) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to a capacity to perform the duties of a bail bond recovery agent, and that the license should be withheld to protect the citizens of Washington state. The director shall make the director's determination to withhold a license because of previous convictions notwithstanding the restoration of employment rights act, chapter 9.96A RCW;
- (6) Submit a receipt showing payment for a background check through the Washington state patrol and the federal bureau of investigation;
- (7) Have a current firearms certificate issued by the commission if carrying a firearm in the performance of his or her duties as a bail bond recovery agent;
- (8)(a) Have a current license to carry a concealed pistol if carrying a firearm in the performance of his or her duties as a bail bond recovery agent;
- (b) A resident alien must provide a copy of his or her alien firearm license if carrying a firearm in the performance of his or her duties as a bail bond recovery agent; and
- (9)(a) Pay the required nonrefundable fee for each application for a bail bond recovery agent license;
- (b) A bail bond agent or qualified agent who wishes to perform the duties of a bail bond recovery agent must first obtain a bail bond recovery agent endorsement to his or her bail bond agent or agency license in order to act as a bail bond recovery agent, and pay the required nonrefundable fee for each application for a bail bond recovery agent endorsement.

Sec. 4. RCW 18.185.040 and 1993 c 260 s 5 are each amended to read as follows:

- (1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria, ~~((which may include))~~ including fingerprints.
- (2) ~~((After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth in the application are true.))~~ Applicants for licensure or endorsement as a bail bond recovery agent must complete a records check through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. Such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card. The Washington state patrol shall forward the fingerprints of applicants to the federal bureau of investigation for a national criminal history records check. The director may accept proof of a recent national crime information center/III criminal background report or any national or interstate criminal background report in addition to fingerprints to accelerate the licensing and endorsement process. The director is authorized to periodically perform a background investigation of licensees to identify criminal convictions subsequent to the renewal of a license or endorsement.

NEW SECTION. Sec. 5. A new section is added to chapter 18.185 RCW to read as follows:

- (1) The director shall adopt rules establishing prelicense training and testing requirements, which shall include a minimum of four hours of classes. The director may establish, by rule, continuing education requirements for bail bond recovery agents.
- (2) The director shall consult with representatives of the bail bond industry and associations before adopting or amending the prelicensing training or continuing education requirements of this section.
- (3) A bail bond recovery agent need not fulfill the prelicensing training requirements of this chapter if he or she, within sixty days prior to July 1, 2005, provides proof to the director that he or she previously has met the training requirements of this chapter.
- (4) The director, or the director's designee, with the advice of representatives of the bail bond industry and associations, law enforcement agencies and associations, and prosecutors' associations, shall adopt rules establishing prelicense training and testing requirements and shall establish minimum exam standards necessary for a bail bond recovery agent to qualify for licensure or endorsement.
- (5) The standards shall be limited to the following:
 - (a) A minimum level of education or experience appropriate for performing the duties of a bail bond recovery agent;
 - (b) A minimum level of knowledge in relevant areas of criminal and civil law;
 - (c) A minimum level of knowledge regarding the appropriate use of force and different degrees of the use of force; and
 - (d) Adequate training of the use of firearms from the criminal justice training commission or from an instructor who has been trained or certified by the criminal justice training center.
- (6) The legislature does not intend, and nothing in this chapter shall be construed to restrict or limit in any way the powers of bail bond agents as recognized in and derived from the United States Supreme Court case of *Taylor v. Taintor*, 16 Wall. 366 (1872).

NEW SECTION. Sec. 6. A new section is added to chapter 18.185 RCW to read as follows:

(1) Each fugitive criminal defendant to be recovered will be treated as an individual contract between the bail bond agent and the bail bond recovery agent. A bail bond agent shall provide a bail bond recovery agent a copy of each individual contract. A bail bond recovery agent must carry, in addition to the license issued by the department, a copy of the contract and, if requested, must present a copy of the contract and the license to the fugitive criminal defendant, the owner or manager of the property in which the agent entered in order to locate or apprehend the fugitive, other residents, if any, of the residence in which the agent entered in order to locate or apprehend the fugitive, and to the local law enforcement agency or officer. If presenting a copy of the contract or the license at the time of the request would unduly interfere with the location or apprehension of the fugitive, the agent shall present the copy of the contract or the license within a reasonable period of time after the exigent circumstances expire.

(2) The director, or the director's designee, with the advice of the bail bond industry and associations, law enforcement agencies and associations, and prosecutors' associations shall develop a format for the contract. At a minimum, the contract must include the following:

- (a) The name, address, phone number, and license number of the bail bond agency or bail bond agent contracting with the bail bond recovery agent;
- (b) The name and license number of the bail bond recovery agent; and
- (c) The name, last known address, and phone number of the fugitive.

Sec. 7. RCW 18.185.090 and 1993 c 260 s 10 are each amended to read as follows:

(1) A bail bond agency shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed bail bond agent.

(2) A bail bond agency shall notify the director within seventy-two hours upon receipt of information affecting a licensed bail bond agent's continuing eligibility to hold a license under the provisions of this chapter.

(3) A bail bond agent or bail bond recovery agent shall notify the director within seventy-two hours upon receipt of information affecting the bail bond recovery agent's continuing eligibility to hold a bail bond recovery agent's license under the provisions of this chapter.

(4) A bail bond agent or bail bond recovery agent shall notify the local law enforcement agency whenever the bail bond recovery agent discharges his or her firearm while on duty, other than on a supervised firearms range. The notification must be made within ten business days of the date the firearm is discharged.

Sec. 8. RCW 18.185.100 and 1996 c 242 s 3 are each amended to read as follows:

(1) Every qualified agent shall keep adequate records for three years of all collateral and security received, all trust accounts required by this section, and all bail bond transactions handled by the bail bond agency, as specified by rule. The records shall be open to inspection without notice by the director or authorized representatives of the director.

(2) Every qualified agent who receives collateral or security is a fiduciary of the property and shall keep adequate records for three years of the receipt, safekeeping, and disposition of the collateral or security. Every qualified agent shall maintain a trust account in a federally insured financial institution located in this state. All moneys, including cash, checks, money orders, wire transfers, and credit card sales drafts, received as collateral or security or otherwise held for a bail bond agency's client shall be deposited in the trust account not later than the third banking day following receipt of the funds or money. A qualified agent shall not in any way encumber the corpus of the trust account or commingle any other moneys with moneys properly maintained in the trust account. Each qualified agent required to maintain a trust account shall report annually under oath to the director the account number and balance of the trust account, and the name and address of the institution that holds the trust account, and shall report to the director within ten business days whenever the trust account is changed or relocated or a new trust account is opened.

(3) Whenever a bail bond is exonerated by the court, the qualified agent shall, within five business days after written notification of exoneration (~~and upon written demand~~), return all collateral or security to the person entitled thereto.

(4) Records of contracts for fugitive apprehension must be retained by the bail bond agent and by the bail bond recovery agent for a period of three years.

Sec. 9. RCW 18.185.110 and 2002 c 86 s 251 are each amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the following conduct, acts, or conditions constitute unprofessional conduct:

- (1) Violating any of the provisions of this chapter or the rules adopted under this chapter;
- (2) Failing to meet the qualifications set forth in RCW 18.185.020 and 18.185.030;
- (3) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relies upon the word, representation, or conduct of the licensee. However, this subsection (3) does not prevent a bail bond recovery agent from using any pretext to locate or apprehend a fugitive criminal defendant or gain any information regarding the fugitive;

(4) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.185.030;

(5) Conversion of any money or contract, deed, note, mortgage, or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, or other evidence of title within thirty days after the owner is entitled to possession, and makes demand for possession, shall be prima facie evidence of conversion;

(6) Failing to keep records, maintain a trust account, or return collateral or security, as required by RCW 18.185.100;

(7) Any conduct in a bail bond transaction which demonstrates bad faith, dishonesty, or untrustworthiness; ~~((~~o~~))~~

(8) Violation of an order to cease and desist that is issued by the director under this chapter;

(9) Wearing, displaying, holding, or using badges not approved by the department;

(10) Making any statement that would reasonably cause another person to believe that the bail bond recovery agent is a sworn peace officer;

(11) Failing to carry a copy of the contract or to present a copy of the contract as required under section 6(1) of this act;

(12) Using the services of an unlicensed bail bond recovery agent or using the services of a bail bond recovery agent without issuing the proper contract;

(13) Misrepresenting or knowingly making a material misstatement or omission in the application for a license;

(14) Using the services of a person performing the functions of a bail bond recovery agent who has not been licensed by the department as required by this chapter; or

(15) Performing the functions of a bail bond recovery agent without being both (a) licensed under this chapter or supervised by a licensed bail bond recovery agent under section 11 of this act; and (b) under contract with a bail bond agent.

NEW SECTION. Sec. 10. A new section is added to chapter 18.185 RCW to read as follows:

(1) A person may not perform the functions of a bail bond recovery agent unless the person is licensed by the department under this chapter.

(2) A bail bond agent may contract with a person to perform the functions of a bail bond recovery agent. Before contracting with the bail bond recovery agent, the bail bond agent must check the license issued by the department under this chapter. The requirements established by the department under this chapter do not prevent the bail bond agent from imposing additional requirements that the bail bond agent considers appropriate.

(3) A contract entered into under this chapter is authority for the person to perform the functions of a bail bond recovery agent as specifically authorized by the contract and in accordance with applicable law. A contract entered into by a bail bond agent with a bail bond recovery agent is not transferable by the bail bond recovery agent to another bail bond recovery agent.

(4) Whenever a person licensed by the department as a bail bond recovery agent is engaged in the performance of the person's duties as a bail bond recovery agent, the person must carry a copy of the license.

(5) A license or endorsement issued by the department under this chapter is valid from the date the license or endorsement is issued until its expiration date unless it is suspended or revoked by the department prior to its expiration date.

(6) No person may perform the functions of a bail bond recovery agent after December 31, 2005, unless the person has first complied with the provisions of this chapter.

(7) Nothing in this chapter is meant to prevent a bail bond agent from contacting a fugitive criminal defendant for the purpose of requesting the surrender of the fugitive, or from accepting the voluntary surrender of the fugitive.

NEW SECTION. Sec. 11. A new section is added to chapter 18.185 RCW to read as follows:

A bail bond recovery agent from another state who is not licensed under this chapter may not perform the functions of a bail bond recovery agent in this state unless the agent is working under the direct supervision of a licensed bail bond recovery agent.

NEW SECTION. Sec. 12. A new section is added to chapter 18.185 RCW to read as follows:

(1) Before a bail bond recovery agent may apprehend a person subject to a bail bond in a planned forced entry, the bail bond recovery agent must notify an appropriate law enforcement agency in the local jurisdiction in which the apprehension is expected to occur. Notification must include, at a minimum: The name of the defendant; the address, or the approximate location if the address is undeterminable, of the dwelling, building, or other structure where the planned forced entry is expected to occur; the name of the bail bond recovery agent; the name of the contracting bail bond agent; and the alleged offense or conduct the defendant committed that resulted in the issuance of a bail bond.

(2) During the actual planned forced entry, a bail bond recovery agent:

(a) Shall wear a shirt, vest, or other garment with the words "BAIL BOND RECOVERY AGENT" displayed in at least two-inch-high reflective print letters across the front and back of the garment and in a contrasting color to that of the garment; and

(b) May display a badge approved by the department with the words "BAIL BOND RECOVERY AGENT" prominently displayed.

Sec. 13. RCW 18.185.170 and 2002 c 86 s 254 are each amended to read as follows:

(1) (~~After June 30, 1994,~~) Any person who performs the functions and duties of a bail bond agent in this state without being licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtaining a license, or any person who falsely impersonates any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(2) (~~After January 1, 1994,~~) A person is guilty of a gross misdemeanor if ((he or she)) the person owns or operates a bail bond agency in this state without first obtaining a bail bond agency license.

(3) (~~After June 30, 1994,~~) The owner or qualified agent of a bail bond agency is guilty of a gross misdemeanor if ((he or she)) the owner or qualified agent employs any person to perform the duties of a bail bond agent without the employee having in ((his or her)) the employee's possession a permanent bail bond agent license issued by the department.

(4) After December 31, 2005, a person is guilty of a gross misdemeanor if the person:

(a) Performs the functions of a bail bond recovery agent without first obtaining a license from the department and entering into a contract with a bail bond agent as required by this chapter; or, in the case of a bail bond recovery agent from another state, the person performs the functions of a bail bond recovery agent without operating under the direct supervision of a licensed bail bond recovery agent as required by this chapter; or

(b) Conducts a planned forced entry without first complying with the requirements of this chapter."

On page 1, beginning on line 1 of the title, after "agents;" strike the remainder of the title and insert "amending RCW 18.185.010, 18.185.040, 18.185.090, 18.185.100, 18.185.110, and 18.185.170; adding new sections to chapter 18.185 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2313 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Carrell spoke in favor the passage of the bill.

MOTION

On motion of Representative Santos, Speaker Chopp was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2313, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2313, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods - 95.

Excused: Representatives Edwards, Flannigan and Mr. Speaker - 3.

SUBSTITUTE HOUSE BILL NO. 2313, as amended by the Senate, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2004-4729, By Representatives DeBolt, Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood and Woods

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

WHEREAS, Barry Sehlin attained the highest level of excellence during his legislative service in the Washington State House of Representatives; and

WHEREAS, Representative Barry Sehlin served as Representative from the 10th District, which encompasses Island County and parts of Skagit and Snohomish Counties; and

WHEREAS, Representative Barry Sehlin began his distinguished legislative career when he was first elected in 1993, serving three terms through 1999, and was reelected in 2001, serving two terms through 2004; and

WHEREAS, Representative Barry Sehlin, during his terms in office, served with distinction as Chairman of the House of Representatives Capital Budget Committee, as a Member, Co-Chair, and Ranking Member of the House of Representatives Appropriations Committee, as a Member of the Executive Committee on the Joint Pension Policy Committee, and as a Member of the Caseload Forecast Council; and

WHEREAS, Representative Barry Sehlin, during his time with the legislature, has primarily focused his attention on the state's capital and operating budgets; and

WHEREAS, Representative Barry Sehlin has earned the deep respect of the members of this body for his exceptional ability to reach effective, bipartisan solutions to complex problems facing the state of Washington; and

WHEREAS, Representative Barry Sehlin has remained an active supporter of Skagit Valley College, serving on the Board of Governors of the Skagit Valley College Foundation for several years, has also served on the Board of Directors of New Leaf, the Oak Harbor Chamber of Commerce Navy League, Whidbey Playhouse, and is a member of the Save NAS Task Force; and

WHEREAS, Prior to his election to the House of Representatives, Barry Sehlin served for twenty-seven years in the Navy, during which he served at NAS Whidbey in VAQ-136, as Commanding Officer of VAQ-136 and VAQ-129, as well as Commanding Officer of the Naval Air Station; and

WHEREAS, Representative Sehlin attended elementary school in Oak Harbor, and after moving with his family to Anacortes, graduated from Anacortes High School, and later went on to graduate from Skagit Valley College in 1963, and Western Washington University in 1992;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor State Representative Barry Sehlin for his excellence in service, and his legislative and personal accomplishments and contributions on behalf of this institution, his colleagues, his constituents, and all the citizens of the great state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives extend its very best wishes to Barry Sehlin, his wife of thirty-eight years, Susan, and their two children, Jennifer and Martin; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Barry Sehlin.

Representative DeBolt moved the adoption of the resolution.

Representatives DeBolt, Sommers, Mastin, Linville and Schoesler spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4729 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Sehlin: "Thank you, Mr. Speaker. I was having a pretty nice day today until I was reminded about the Pension Policy Committee. You don't need to worry, I'm not coming back. Let me tell you in the headline in Oak Harbor newspaper, which is where I come from, on the day before Valentine's Day said 'Sehlin Will Not Run Again in 2004.' My wife, at her soroptomist meeting that morning said here is my Valentine. So I won't be back.

I had an opportunity a little bit earlier to share my appreciation with my own caucus members but I would be remiss if I did not also share my appreciation for the ability to work with so many of you on the other side. And some things are better shared without words." (And Representative Sehlin proceeded to hug Representative Sommers.)

RESOLUTION

HOUSE RESOLUTION NO. 2004-4727, By Representatives O'Brien, Lovick, Bailey, Skinner, Ahern, Alexander, Anderson, Armstrong, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Erickson, Flannigan, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Voloria, Wallace, Wood and Woods

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

WHEREAS, Washington State Representative Jeanne Edwards, first elected to the Washington State House of Representatives in 1998, is serving her third term of unselfish, distinguished service to the citizens of the first legislative district; and

WHEREAS, Representative Edwards has announced that she will not seek reelection to the Washington State Legislature; and

WHEREAS, Representative Edwards' life and career as a Washingtonian began when she moved to Seattle from Colorado in 1950; and

WHEREAS, She and her late husband, Bill, built a home in Bothell in 1960, where they raised three sons and a daughter; and

WHEREAS, Representative Edwards is now the proud grandmother of five grandchildren between the ages of twenty and twenty-nine; and

WHEREAS, Most recently, Representative Edwards has served the people of the state of Washington as an integral part of the House committees on health care, transportation, and local government; and

WHEREAS, During her legislative career, Representative Edwards has distinguished herself by demonstrating leadership in the areas of affordable health care, higher education, and local government; and

WHEREAS, The tireless work and advocacy of Representative Edwards helped to establish the Washington State Children's Health Insurance Program so that children living in poverty could have access to health care; and

WHEREAS, Thousands of students have been able to access higher education through Representative Edwards' contributions in helping to secure funds to build the University of Washington Bothell campus and Cascadia Community College; and

WHEREAS, Representative Edwards has served her community as a member of the Bothell City Council, Board Chair of Community Transit of Snohomish County, Board Chair of the Washington State Transit Association, a member of the Snohomish County Board of Health, legislative chair of the King County Human Services Roundtable, and a member of the King County Regional Transit Committee; and

WHEREAS, Representative Edwards' career has included serving as a reporter and then reporter/editor for the Everett Herald for thirteen years; and

WHEREAS, Representative Edwards has also served as the executive director of Community Health Centers of Snohomish County; and

WHEREAS, Representative Edwards played an instrumental role in opening the first Health Center in Sultan; and

WHEREAS, Among numerous accomplishments, Representative Edwards is most proud of raising her four children to be contributing adults to society; and

WHEREAS, Our friend and colleague will remain in our thoughts and hearts;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor her excellence in service and the untold legislative and personal accomplishments and contributions by State Representative Jeanne Edwards to her office, her constituents, and colleagues, and especially to the citizens of the great state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington State Representative Jeanne Edwards and the members of her family.

Representative O'Brien moved the adoption of the resolution.

Representatives O'Brien, DeBolt, Ruderman, Rockefeller, Santos, Hatfield and Schindler spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4727 was adopted.

MESSAGE FROM THE SENATE

March 11, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 2510,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

POINT OF PERSONAL PRIVILEGE

Representative Orcutt: "Thank you, Mr. Speaker. I wanted to rise and take a moment to thank all the members of this body for all of the assistance they have given me in this sixty day session. It has been very difficult for me to get around. The hardest part has been carrying anything so getting things from one place to another. I want to take a couple of minutes to thank some people. You know when you are sitting in a two hour long committee, and you're asking a lot questions, your throat kind of dries out and that sort of thing so it really means a lot even though it seems like a very small thing for someone to bring you a cup of water. It seemed like I had somebody in all three of my committees that would do that. So in Finance, I want to thank the gentle lady from the 37th, even when she couldn't talk, she'd tap me on the shoulder and hold the cup up – that was the way she would ask me if I wanted water. Capital Budget, the gentle lady from the 8th, I want to thank her. In Agriculture and Natural Resources, the gentleman from the 22nd. Most of you will notice that is across party lines. That is something that really strikes me. We have our floor debates and we do have our partisan issues and our party line votes but when it comes to something like this, the party affiliation doesn't enter into

it. That means a lot to me. Carrying things like my laptop and other documents, that we get in committee, that I needed brought to the floor, there was the lady from the 13th, even though she was needing physical therapy on her arm. Both gentlemen from the 6th, the gentlemen from the 31st and the 39th. There are a number of pages, legislative aides and members of the security team have all been very helpful.

I also want to thank the gentleman from the 40th, he was willing to trade parking spaces so I didn't have to get so far on crutches and I really appreciate that, that was something he didn't have to do. I also want to thank the Speaker and the Speaker Pro Tempore because when a dozen people were popping up, they generally didn't make me pop up more than two or three times.

But there is one person I really need to thank more than anybody else – today makes five months since I broke my leg and the person who was there when I broke my leg has been here for me through the entire way. She had to take a week off to work to finish the move. She took another week off just to help me get settled when I got out of the hospital and help take care of me. Any though I started getting around and I could drive, I still couldn't carry things. So how do you live in Olympia and pack your suits in and out of the place you're staying without some help. So every Sunday, she has come up with me and she has packed all of my suits, clothing and supplies I needed – I really do need to thank my wife Marci. She has been a huge help, she has been very patient through all of this. So along with thanking all of you, I want to thank my wife Marci as well."

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 2299,
SUBSTITUTE HOUSE BILL NO. 2313,
HOUSE BILL NO. 2014,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474,
SUBSTITUTE HOUSE BILL NO. 2510,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573,
HOUSE BILL NO. 2663,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787,
SUBSTITUTE HOUSE BILL NO. 2788,
SUBSTITUTE HOUSE BILL NO. 2802,
SUBSTITUTE HOUSE BILL NO. 2929,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5536,
SECOND SUBSTITUTE SENATE BILL NO. 6144,
SUBSTITUTE SENATE BILL NO. 6208,
SENATE BILL NO. 6339,
SENATE BILL NO. 6485,
SENATE BILL NO. 6561,

MESSAGE FROM THE SENATE

March 11, 2004

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188,
HOUSE CONCURRENT RESOLUTION NO. 4418,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SECOND READING

SENATE BILL NO. 5034, By Senators Zarelli, Winsley, McCaslin, T. Sheldon, Hale, Benton, West, Esser, Sheahan, Oke and Kohl-Welles

Providing property tax relief for senior citizens and persons retired because of physical disability.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For committee amendment, see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McIntire, Sehlin, Morrell, Orcutt and McDonald spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5034, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5034, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Flannigan - 2.

SENATE BILL NO. 5034, as amended by the House, having received the necessary constitutional majority, was declared passed.

SPEAKER'S GIFT

Representative Kessler: "Mr. Speaker, the tradition of the House of Representatives is to acknowledge your two years as Speaker, your first two year term I might add, and we all as members of the House of Representatives sort of put some things together to give you a gift that we hope will always be a reminder of your two years as Speaker, and how much we all appreciated the way you directed this House chamber and how often you let the Speaker Pro Tempore preside. Your good humor along the way, we really appreciated. This gift from both caucuses is a gift that we understand you will be able to use for your great Croatian dinners and your political soirees around a table.

Please accept this gift from us to you and to your family."

Representative DeBolt: "So you are thinking, 'we gave all this money, and you gave me apples.' What we did was to contact Nancy about something you have been wanting to purchase for a while. So there is a dining room table that you have had your eye on. So as you sit around with your family after session, now you will think about us."

Mr. Speaker: "This is amazing. Now I have to talk to my wife about this. For weeks, we've been trying to pick out the color of the chairs. This is expensive by the way.

I want to say thank you for doing this and it's a great honor to serve with all of you. I've got to say that it used to be in the old days that the press would complain about how little the Legislature

did, but I've got to say that the last couple of years here we've accomplished a tremendous amount of work including the work we did this Session. I also feel compelled to recognize the person who maybe this gift should really go to, our Speaker Pro Tempore John Lovick. Will you please join me in supporting him? I've told this to John, that it got to the point where John was presiding so much that my mother called to complain, she said 'Frankie, where are you?' I really appreciate you, John, and all the work you've done. Believe me, I know how much work it is.

Thank you."

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.47.020 and 2000 c 79 s 43 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

~~((4))~~ (6) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and (e) who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual, or an individual's spouse or dependent children, who meets the requirements in (a) through (c) and (e) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

~~((5))~~ (7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) who chooses to obtain basic health care coverage from a particular managed health care system; and (e) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

~~((6))~~ (8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

~~((7))~~ (9) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee ~~((or))~~, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

~~((8))~~ (10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized ~~((and))~~, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

Sec. 2. RCW 70.47.030 and 1995 2nd sp.s. c 18 s 913 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees and health coverage tax credit eligible enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees and health coverage tax credit eligible enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 3. RCW 70.47.060 and 2001 c 196 s 13 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection ~~((9))~~ (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection ~~((10))~~ (12) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of

2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

(d) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

~~((4))~~ (e) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized ~~(and)~~, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

~~((4))~~ (6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

~~((5))~~ (7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

~~((6))~~ (8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

~~((7))~~ (9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for ~~(either)~~ subsidized enrollees, ~~((or))~~ nonsubsidized enrollees, or ~~(both)~~ health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

~~((8))~~ (10) To receive periodic premiums from or on behalf of subsidized ~~(and)~~, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

~~((9))~~ (11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized ~~((or))~~, nonsubsidized, or health coverage tax credit eligible enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid

due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

~~((10))~~ (12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

~~((11))~~ (13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((12))~~ (14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((13))~~ (15) To evaluate the effects this chapter has on private employer- based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((14))~~ (16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((15))~~ (17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

~~((16))~~ (18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

~~((17))~~ (19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

Sec. 4. RCW 70.47.100 and 2000 c 79 s 35 are each amended to read as follows:

(1) A managed health care system participating in the plan shall do so by contract with the administrator and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee covered by its contract with the administrator as long as payments from the administrator on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The administrator may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the administrator to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

(2) The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The administrator shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas

served by more than one participating managed health care system the administrator shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

(3) Prior to negotiating with any managed health care system, the administrator shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state.

(4) In negotiating with managed health care systems for participation in the plan, the administrator shall adopt a uniform procedure that includes at least the following:

(a) The administrator shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(b) The administrator shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(c) The administrator may then select one or more systems to provide the covered services within a local area; and

(d) The administrator may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

(5) The administrator may contract with a managed health care system to provide covered basic health care services to ~~((either))~~ subsidized enrollees, ~~((or))~~ nonsubsidized enrollees, health coverage tax credit eligible enrollees, or ~~((both))~~ any combination thereof.

(6) The administrator may establish procedures and policies to further negotiate and contract with managed health care systems following completion of the request for proposal process in subsection (4) of this section, upon a determination by the administrator that it is necessary to provide access, as defined in the request for proposal documents, to covered basic health care services for enrollees.

(7)(a) The administrator shall implement a self-funded or self-insured method of providing insurance coverage to subsidized enrollees, as provided under RCW 41.05.140, if one of the following conditions is met:

(i) The authority determines that no managed health care system other than the authority is willing and able to provide access, as defined in the request for proposal documents, to covered basic health care services for all subsidized enrollees in an area; or

(ii) The authority determines that no other managed health care system is willing to provide access, as defined in the request for proposal documents, for one hundred thirty-three percent of the statewide benchmark price or less, and the authority is able to offer such coverage at a price that is less than the lowest price at which any other managed health care system is willing to provide such access in an area.

(b) The authority shall initiate steps to provide the coverage described in (a) of this subsection within ninety days of making its determination that the conditions for providing a self-funded or self-insured method of providing insurance have been met.

(c) The administrator may not implement a self-funded or self-insured method of providing insurance in an area unless the administrator has received a certification from a member of the American academy of actuaries that the funding available in the basic health plan self-insurance reserve account is sufficient for the self-funded or self-insured risk assumed, or expected to be assumed, by the administrator.

Sec. 5. RCW 48.43.015 and 2001 c 196 s 7 are each amended to read as follows:

(1) For a health benefit plan offered to a group, every health carrier shall reduce any preexisting condition exclusion, limitation, or waiting period in the group health plan in accordance with the provisions of section 2701 of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg).

(2) For a health benefit plan offered to a group other than a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for at least three months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than three months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(3) For a health benefit plan offered to a small group:

(a) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such

coverage was similar and continuous for at least nine months, then the carrier shall not impose a waiting period for coverage of preexisting conditions under the new health plan.

(b) If the individual applicant's immediately preceding health plan coverage terminated during the period beginning ninety days and ending sixty-four days before the date of application for the new plan and such coverage was similar and continuous for less than nine months, then the carrier shall credit the time covered under the immediately preceding health plan toward any preexisting condition waiting period under the new health plan.

(c) For the purpose of this subsection, a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(4) For a health benefit plan offered to an individual, other than an individual to whom subsection (5) of this section applies, every health carrier shall credit any preexisting condition waiting period in that plan for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new health plan in a group health benefit plan or an individual health benefit plan, other than a catastrophic health plan, and (a) the benefits under the previous plan provide equivalent or greater overall benefit coverage than that provided in the health benefit plan the individual seeks to purchase; or (b) the person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, if application for coverage is made within ninety days of relocation; or (c) the person is seeking an individual health benefit plan: (i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and (ii) his or her health care provider is part of another carrier's provider network; and (iii) application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network. The carrier must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection (4), a preceding health plan includes an employer-provided self-funded health plan, the basic health plan's offering to health coverage tax credit eligible enrollees as established by this act, and plans of the Washington state health insurance pool.

(5) Every health carrier shall waive any preexisting condition waiting period in its individual plans for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b)).

(6) Subject to the provisions of subsections (1) through (5) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history.

NEW SECTION. Sec. 6. This act takes effect January 1, 2005."

On page 1, line 3 of the title, after "(P.L. 107-210);" strike the remainder of the title and insert "amending RCW 70.47.020, 70.47.030, 70.47.060, 70.47.100, and 48.43.015; and providing an effective date."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Bailey spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2797, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2797, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Flannigan - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2985, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.04.208 and 2002 c 319 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Disabled employee" means (~~(an individual)~~) a person eligible to receive a disability retirement allowance from the Washington law enforcement officers' and fire fighters' retirement system plan 2 and the public employees' retirement system.

(b) "Health plan" means a contract, policy, fund, trust, or other program established jointly or individually by a county, municipality, or other political subdivision of the state that provides for all or a part of hospitalization or medical aid for its employees and their dependents under RCW 41.04.180.

(c) "Retired employee" means a public employee meeting the retirement eligibility, years of service requirements, and other criteria (~~(set forth in)~~) of the Washington law enforcement officers' and fire fighters' retirement system plan 2 and the public employees' retirement system.

(2) A county, municipality, or other political subdivision that provides a health plan for its employees shall permit retired and disabled employees and their dependents to continue participation in a plan subject to the exceptions, limitations, and conditions set forth in this section. However, this section does not apply to a county, municipality, or other political subdivision participating in an insurance program administered under chapter 41.05 RCW if retired and disabled employees and their dependents of the participating county, municipality, or other political subdivision are covered under an insurance program administered under chapter 41.05 RCW. Nothing in this subsection or chapter 319, Laws of 2002 precludes the local government employer from offering retired or disabled employees a health plan with a benefit structure, copayment, deductible, coinsurance, lifetime benefit maximum, and other plan features which differ from those offered through a health plan provided to active employees. Further, nothing in this subsection precludes a local government employer from joining with other public agency employers, including interjurisdictional benefit pools and multi-employer associations or consortiums, to fulfill its obligations under chapter 319, Laws of 2002.

(3) A county, municipality, or other political subdivision has full authority to require a person who requests continued participation in a health plan under subsection (2) of this section to pay the full cost of such participation, including any amounts necessary for administration. However, this subsection does not require an employer who is currently paying for all or part of a health plan for its retired and disabled employees to discontinue those payments.

(4) Payments for continued participation in a former employer's health plan may be assigned to the underwriter of the health plan from public pension benefits or may be paid to the former employer, as determined

by the former employer, so that an underwriter of the health plan that is an insurance company, health care service contractor, or health maintenance organization is not required to accept individual payments from persons continuing participation in the employer's health plan.

(5) After an initial open enrollment period of ninety days after January 1, 2003, an employer may not be required to permit a person to continue participation in the health plan if the person is responsible for a lapse in coverage under the plan. In addition, an employer may not be required to permit a person to continue participation in the employer's health plan if the employer offered continued participation in a health plan that meets the requirements of chapter 319, Laws of 2002.

(6) If a person continuing participation in the former employer's health plan has medical coverage available through another employer, the medical coverage of the other employer is the primary coverage for purposes of coordination of benefits as provided for in the former employer's health plan.

(7) If a person's continued participation in a health plan was permitted because of the person's relationship to a retired or disabled employee of the employer providing the health plan and the retired or disabled employee dies, then that person is permitted to continue participation in the health plan for a period of not more than six months after the death of the retired or disabled employee. However, the employer providing the health plan may permit continued participation beyond that time period.

(8) An employer may offer one or more health plans different from that provided for active employees and designed to meet the needs of persons requesting continued participation in the employer's health plan. An employer, in designing or offering continued participation in a health plan, may utilize terms or conditions necessary to administer the plan to the extent the terms and conditions do not conflict with this section.

(9) If an employer changes the underwriter of a health plan, the replaced underwriter has no further responsibility or obligation to persons who continued participation in a health plan of the replaced underwriter. However, the employer shall permit those persons to participate in any new health plan.

(10) The benefits granted under this section are not considered a matter of contractual right. Should the legislature, a county, municipality, or other political subdivision of the state revoke or change any benefits granted under this section, an affected person is not entitled to receive the benefits as a matter of contractual right.

(11) This section does not affect any health plan contained in a collective bargaining agreement in existence as of January 1, 2003. However, any plan contained in future collective bargaining agreements shall conform to this section. In addition, this section does not affect any health plan contract or policy in existence as of January 1, 2003. However, any renewal of the contract or policy shall conform to this section.

(12) Counties, municipalities, and other political subdivisions that make a documented good faith effort to comply with the provisions of subsections (2) through (11) of this section and are unable to provide access to a fully insured group health benefit plan are discharged from any obligations under subsections (2) through (11) of this section but shall assist disabled employees and retired employees in applying for health insurance. Assistance may include developing and distributing standardized information on the availability and cost of individual health benefit plans, application packages, and health benefit fairs.

(13) The office of the insurance commissioner shall make available to counties, municipalities, and other political subdivisions information regarding individual health benefit plans, including a list of carriers offering individual coverage, the rates charged, and how to apply for coverage.

NEW SECTION. Sec. 2. 2002 c 319 s 5 (uncodified) is repealed.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 41.04.208; repealing 2002 c 319 s 5 (uncodified); and declaring an emergency."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2985 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Bailey spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2985, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2985, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Flannigan - 2.

SUBSTITUTE HOUSE BILL NO. 2985, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6242, By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Parlette and Berkey)

Establishing a statewide strategy for land acquisitions and disposal.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For committee amendment, see Journal, 50th Day, March 1, 2004.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dunshee and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6242, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6242, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McCoy, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Shabro,

D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Edwards and Flannigan - 2.

SUBSTITUTE SENATE BILL NO. 6242, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2004

Mr. Speaker:

The Senate receded from the amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460. Under suspension of the rules Engrossed Substitute House Bill No. 2460 was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.21.045 and 1995 c 265 s 14 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer (~~shall~~), either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan (~~(providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan))~~ featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more (~~or less~~) comprehensive benefits than (~~the basic health plan, provided such plans are in accordance with this chapter~~) those included in the product offered under this subsection. An insurer offering a health benefit plan (~~that does not include benefits in the basic health plan~~) under this subsection shall clearly disclose (~~these differences~~) all covered benefits to the small employer in a brochure (~~approved by~~) filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 (~~if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty five employees~~)).

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the (~~basic health plan services~~) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~not to exceed twenty percent~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

~~(4) ((The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.))~~ Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," (~~("basic health plan,")~~) "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 2. RCW 48.43.005 and 2001 c 196 s 5 and 2001 c 147 s 1 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-

pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;
(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;
(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;
(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;
(g) Accident only coverage;
(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;
(j) Dental only and vision only coverage; and
(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. ~~((The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes))~~ A self-employed individual or sole proprietor ((who derives)) must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to the effective date of this section shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 3. RCW 48.43.018 and 2001 c 196 s 8 are each amended to read as follows:

(1) Except as provided in (a) through ((e)) (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan and, but for the number of persons employed by his or her employer, would have qualified for continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan; and

(b) Within fifteen business days of receipt of a completed application, the carrier shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier shall accept the person for enrollment if he or she resides within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

Sec. 4. RCW 48.43.035 and 2000 c 79 s 24 are each amended to read as follows:

For group health benefit plans, the following shall apply:

(1) All health carriers shall accept for enrollment any state resident within the group to whom the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. The carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the insurance commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

(a) A carrier has zero enrollment on a product; ~~((ø))~~

(b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; ~~((ø))~~

(c) No sooner than January 1, 2005, a carrier discontinues offering a particular type of health benefit plan offered for groups of up to two hundred if: (i) The carrier provides notice to each group of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each group provided coverage of this type the option to enroll, with regard to small employer groups, in any other small employer group plan, or with regard to groups of up to two hundred, in any other applicable group plan, currently being offered by the carrier in the applicable group market; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage;

(d) A carrier discontinues offering all health coverage in the small group market or for groups of up to two hundred, or both markets, in the state and discontinues coverage under all existing group health benefit plans in the applicable market involved if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all such coverage in the state and its intent to discontinue coverage under all such existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all such existing health benefit plans; and (ii) the carrier provides notice to each covered group of the intent to discontinue the existing health benefit plan at least one hundred eighty days prior to the date of discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any group health coverage in this state in the applicable group market involved for a five-year period beginning on the date of the discontinuation of the last health benefit plan not so renewed. This subsection (4) does not require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants when the carrier does not discontinue coverage of existing enrollees under that health benefit plan; or

(e) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(6) Notwithstanding any other provision of this section, the guarantee of continuity of coverage applies to a group of one only if: (a) The carrier continues to offer any other small employer group plan in which the group of one was eligible to enroll on the day prior to the effective date of this section; and (b) the person continues to qualify as a group of one under the criteria in place on the day prior to the effective date of this section.

Sec. 5. RCW 48.43.038 and 2000 c 79 s 25 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all individual health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium.

(2) The guarantee of continuity of coverage required in individual health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier approved by the commissioner;

(c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan; or

(g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(3) This section does not apply in the following cases:

(a) A carrier has zero enrollment on a product;

(b) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded;

(c) No sooner than the first day of the month following the expiration of a one hundred eighty-day period beginning on March 23, 2000, a carrier discontinues offering a particular type of health benefit plan offered in the individual market, including conversion contracts, if: (i) The carrier provides notice to each covered individual provided coverage of this type of such discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each individual provided coverage of this type the option, without being subject to the standard health questionnaire, to enroll in any other individual health benefit plan currently being offered by the carrier; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage; or

(d) A carrier discontinues offering all individual health coverage in the state and discontinues coverage under all existing individual health benefit plans if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all individual health coverage in the state and its intent to discontinue coverage under all existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all existing health benefit plans; and (ii) the carrier provides notice to each covered individual of the intent to discontinue his or her existing health benefit plan at least one hundred eighty days prior to the date of such discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any individual health coverage in this state for a five-year period beginning on the date of the discontinuation of the last health plan not so renewed. Nothing in this subsection (3) shall be construed to require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants where the carrier does not discontinue coverage of existing enrollees under that health benefit plan.

(4) The provisions of this section do not apply to health plans deemed by the commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the commissioner.

Sec. 6. RCW 48.44.022 and 2000 c 79 s 30 are each amended to read as follows:

(1) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age;

(iv) Tenure discounts; and

(v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~(not to exceed twenty percent)~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023.

(3) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 7. RCW 48.44.023 and 1995 c 265 s 16 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer (~~(shall)~~), either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan (~~(providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan)~~) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more (~~(or less)~~) comprehensive benefits than (~~(the basic health plan, provided such plans are in accordance with this chapter)~~) those included in the product offered under this subsection. A contractor offering a health benefit plan (~~(that does not include benefits in the basic health plan)~~) under this subsection shall clearly disclose (~~(these differences)~~) all covered benefits to the small employer in a brochure (~~(approved by)~~) filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.440, 48.44.450, and 48.44.460 (~~(if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty five employees)~~).

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the (~~(basic health plan services)~~) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~(not to exceed twenty percent)~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) (~~The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.-~~) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 8. RCW 48.46.064 and 2000 c 79 s 33 are each amended to read as follows:

(1) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~(not to exceed twenty percent)~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066.

(3) As used in this section and RCW 48.46.066, "health benefit plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 9. RCW 48.46.066 and 1995 c 265 s 18 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer (~~(shall)~~), either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan (~~(providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan)~~) featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more (~~(or less)~~) comprehensive benefits than (~~(the basic health plan, provided such plans are in accordance with this chapter)~~) those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan (~~(that does not include benefits in the basic health plan)~~) under this subsection shall clearly disclose (~~(these differences)~~) all the covered benefits to the small employer in a brochure (~~(approved by)~~) filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 (~~(if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees)~~).

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the (~~(basic health plan services)~~) health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs (~~(not to exceed twenty percent)~~).

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) (~~The health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state.~~) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 10. RCW 48.21.143 and 1997 c 276 s 3 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan(~~as required by RCW 48.21.045~~).

Sec. 11. RCW 48.21.250 and 1984 c 190 s 2 are each amended to read as follows:

Every insurer that issues policies providing group coverage for hospital or medical expense shall offer the policyholder an option to include a policy provision granting a person who becomes ineligible for coverage under the group policy, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The policy provision shall provide that when such coverage terminates, the covered person may convert to a policy as provided in RCW 48.21.260.))~~

Sec. 12. RCW 48.44.315 and 1997 c 276 s 4 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan(~~(, as required by RCW 48.44.022 and 48.44.023)~~).

Sec. 13. RCW 48.44.360 and 1984 c 190 s 5 are each amended to read as follows:

Every health care service contractor that issues group contracts providing group coverage for hospital or medical expense shall offer the contract holder an option to include a contract provision granting a person who becomes ineligible for coverage under the group contract, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The contract provision shall provide that when such coverage terminates, the covered person may convert to a contract as provided in RCW 48.44.370.))~~

Sec. 14. RCW 48.46.272 and 1997 c 276 s 5 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) Coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan(~~(, as required by RCW 48.46.064 and 48.46.066)~~).

Sec. 15. RCW 48.46.440 and 1984 c 190 s 8 are each amended to read as follows:

Every health maintenance organization that issues agreements providing group coverage for hospital or medical care shall offer the agreement holder an option to include an agreement provision granting a person who becomes ineligible for coverage under the group agreement, the right to continue the group benefits for a period of time and at a rate agreed upon. ~~((The agreement provision shall provide that when such coverage terminates the covered person may convert to an agreement as provided in RCW 48.46.450.))~~

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(7) RCW 48.21.260 (Conversion policy to be offered--Exceptions, conditions) and 1984 c 190 s 3;

(8) RCW 48.21.270 (Conversion policy--Restrictions and requirements) and 1984 c 190 s 4;

(9) RCW 48.44.370 (Conversion contract to be offered--Exceptions, conditions) and 1984 c 190 s 6;

(10) RCW 48.44.380 (Conversion contract--Restrictions and requirements) and 1984 c 190 s 7;

(11) RCW 48.46.450 (Conversion agreement to be offered--Exceptions, conditions) and 1984 c 190 s 9;

and

(12) RCW 48.46.460 (Conversion agreement--Restrictions and requirements) and 1984 c 190 s 10.

NEW SECTION. **Sec. 17.** Sections 1 through 15 of this act apply to all small group health benefit plans issued or renewed on or after the effective date of this section."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 48.21.045, 48.43.018, 48.43.035, 48.43.038, 48.44.022, 48.44.023, 48.46.064, 48.46.066, 48.21.143, 48.21.250, 48.44.315, 48.44.360, 48.46.272, and 48.46.440; reenacting and amending RCW 48.43.005; creating a new section; and repealing RCW 48.21.260, 48.21.270, 48.44.370, 48.44.380, 48.46.450, and 48.46.460."

and the same is herewith transmitted.

Milt H. Doumit, Secretary

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody, Bailey, Campbell, Benson and Alexander spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2460, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2460, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Bailey, Benson, Blake, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Eickmeyer, Ericksen, Fromhold, Grant, Haigh, Hankins, Hatfield, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lantz, Linville, Lovick, Mastin, McDermott, McDonald, McIntire, McMahan, McMorris, Mielke, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rockefeller, Rodne, Romero, Ruderman, Santos, Schindler, Schoesler, Sehlin, Shabro, D. Simpson, G. Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tom, Upthegrove, Veloria, Wallace, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Armstrong, Condotta, Cox, Hinkle, Holmquist, McCoy and Schual-Berke - 7.

Excused: Representatives Edwards and Flannigan - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460, as amended by the Senate, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2004-4733, By Representatives Kessler and Chandler

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for

study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2004 Regular Session of the Fifty-Eighth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives and the Chief Clerk of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee and may authorize the expenditure of registration or other fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Fifty-Eighth Legislature, as well as any committee assembly.

HOUSE RESOLUTION NO. 4733 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Mastin: "Thank you, Mr. Speaker. This is probably six years running, but each Sine Die I like to stand and speak for all of you to thank our families and those that we leave at home while we come here and do our best to represent our districts. While we are here late at night working and caught up in the stress of the policy that we are dealing with, sometimes we forget that those at home are waiting for us to come home. Mr. Speaker, I think that it is appropriate on Sine Die that we remember, recognize and honor those that allow us to come here and do the work of the people. Thank you."

MESSAGES FROM THE SENATE

March 11, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1322,
SUBSTITUTE HOUSE BILL NO. 1328,
SUBSTITUTE HOUSE BILL NO. 2313,
SUBSTITUTE HOUSE BILL NO. 2366,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459,
HOUSE BILL NO. 2537,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518,
HOUSE BILL NO. 2615,
ENGROSSED HOUSE BILL NO. 2968,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The Senate concurred in the Senate amendments to SENATE BILL NO. 5034, and passed the bill as amended by the House.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1328,
HOUSE BILL NO. 2014,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797,
SUBSTITUTE HOUSE BILL NO. 2985,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188,
HOUSE CONCURRENT RESOLUTION NO. 4418,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 2299,
SUBSTITUTE HOUSE BILL NO. 2510,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573,
HOUSE BILL NO. 2663,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2784,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2787,
SUBSTITUTE HOUSE BILL NO. 2788,
SUBSTITUTE HOUSE BILL NO. 2802,
SUBSTITUTE HOUSE BILL NO. 2929,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4028,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

March 11, 2004

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 6737,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2797,
SUBSTITUTE HOUSE BILL NO. 2985,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3188,
HOUSE CONCURRENT RESOLUTION NO. 4418,
SENATE BILL NO. 6593,
SUBSTITUTE SENATE BILL NO. 6676,

MESSAGES FROM THE SENATE

March 11, 2004

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 6242,
and passed the bill as amended by the House.

Milt H. Doumit

March 11, 2004

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2014,
SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

INTRODUCTION & FIRST READING

HB 3212 by Representatives Hunt, McDermott, Conway, Voloria, Cooper, Hudgins, Darneille,
Romero and Dickerson

AN ACT Relating to creating an open primary with voluntary party registration; amending RCW 29A.04.007, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.020, 29A.44.200, 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, and 42.17.020; reenacting and amending RCW 42.17.310 and 42.17.310; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding new sections to chapter 29A.52 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding a new chapter to Title 29A RCW; creating new sections; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on State Government.

HB 3213 by Representative Hunt

AN ACT Relating to an open primary; amending RCW 29A.04.007, 29A.04.085, 29A.04.215, 29A.04.310, 29A.04.320, 29A.12.100, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.200, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, 29A.80.060, 29A.04.610, and 42.17.020; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.52 RCW; repealing RCW 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and 29A.04.903; and declaring an emergency.

Referred to Committee on State Government.

HB 2314 by Representatives Carrell, Boldt, Mielke, Pearson, Priest, McMahan and Hinkle

AN ACT Relating to visitation rights for nonparents; amending RCW 26.09.240, 26.10.160, 26.09.160, and 26.09.260; adding new sections to chapter 26.10 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

ESSB 6233 by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt and Fairley; by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.99E.025, 70.146.030, and 43.82.010; amending 2003 1st sp.s. c 26 ss 101, 104, 105, 107, 110, 159, 169, 234, 313, 312, 317, 340, 367, 369, 354, 394, 397, 406, 501, 743, 678, 738, 130, 135, 267, 273, 304, 310, 315, 356, 379, 389, 390, 412, 426, 601, 603, 606, 615, 633, 659, 702, 786, 798, 801, 695, 784, 787, 795, 628, 905, 907, and 915 (uncodified); adding new sections to 2003 1st sp.s. c 26 (uncodified); adding a new section to chapter 89.08 RCW; adding a new section to chapter 39.33 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

SCR 8425 by Senators Finkbeiner and Brown

Returning bills to the house of origin.

SCR 8426 by Senators Finkbeiner, Brown and Roach

Adjourning Sine Die.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8425 was read the first time, the rules were suspended and the concurrent resolution was placed on the second reading calendar.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8426 was read the first time, the rules were suspended and the concurrent resolution was placed on the second reading calendar.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8425, By Senators Finkbeiner and Brown

Returning bills to the house of origin.

The concurrent resolution was read the second time and advanced to third reading.

SENATE CONCURRENT RESOLUTION NO. 8425 was adopted.

SENATE CONCURRENT RESOLUTION NO. 8426, By Senators Finkbeiner, Brown and Roach

Adjourning Sine Die.

The concurrent resolution was read the second time and advanced to third reading.

SENATE CONCURRENT RESOLUTION NO. 8426 was adopted.

MESSAGE FROM THE SENATE

March 11, 2004

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5034,
SUBSTITUTE SENATE BILL NO. 6242,
SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2460,
SENATE BILL NO. 5034,
SUBSTITUTE SENATE BILL NO. 6242,
ENGROSSED SENATE BILL NO. 6737,
SENATE CONCURRENT RESOLUTION NO. 8425,

SENATE CONCURRENT RESOLUTION NO. 8426,

BILLS RETURNED TO HOUSE OF ORIGIN

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8425, the following Senate bills were returned to the Senate:

ENGROSSED SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5053,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5055,
SUBSTITUTE SENATE BILL NO. 5067,
SUBSTITUTE SENATE BILL NO. 5148,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5150,
ENGROSSED SENATE BILL NO. 5255,
ENGROSSED SENATE BILL NO. 5257,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5270,
ENGROSSED SENATE BILL NO. 5297,
ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5319,
ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5364,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5369,
SENATE BILL NO. 5373,
SECOND SUBSTITUTE SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5408,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5431,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5585,
SENATE BILL NO. 5597,
SUBSTITUTE SENATE BILL NO. 5661,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5697,
SUBSTITUTE SENATE BILL NO. 5715,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5728,
SENATE BILL NO. 5744,
SENATE BILL NO. 5790,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5874,
SECOND SUBSTITUTE SENATE BILL NO. 5914,
SUBSTITUTE SENATE BILL NO. 5948,
SECOND ENGROSSED SENATE BILL NO. 5965,
ENGROSSED SENATE BILL NO. 6063,
SECOND SUBSTITUTE SENATE BILL NO. 6082,
SUBSTITUTE SENATE BILL NO. 6108,
SUBSTITUTE SENATE BILL NO. 6109,
ENGROSSED SENATE BILL NO. 6126,
SENATE BILL NO. 6127,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6129,
SUBSTITUTE SENATE BILL NO. 6132,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6136,
SUBSTITUTE SENATE BILL NO. 6138,
SUBSTITUTE SENATE BILL NO. 6157,
SENATE BILL NO. 6163,
SENATE BILL NO. 6165,
SUBSTITUTE SENATE BILL NO. 6173,
SUBSTITUTE SENATE BILL NO. 6178,
SENATE BILL NO. 6185,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6187,
SENATE BILL NO. 6191,
SENATE BILL NO. 6195,
SUBSTITUTE SENATE BILL NO. 6196,
SUBSTITUTE SENATE BILL NO. 6200,

SUBSTITUTE SENATE BILL NO. 6201,
SENATE BILL NO. 6202,
SECOND SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6233,
SENATE BILL NO. 6234,
SUBSTITUTE SENATE BILL NO. 6238,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6239,
SUBSTITUTE SENATE BILL NO. 6243,
SENATE BILL NO. 6247,
SENATE BILL NO. 6250,
SUBSTITUTE SENATE BILL NO. 6253,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6256,
SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6266,
SENATE BILL NO. 6279,
SENATE BILL NO. 6281,
SUBSTITUTE SENATE BILL NO. 6285,
ENGROSSED SENATE BILL NO. 6290,
SENATE BILL NO. 6315,
ENGROSSED SENATE BILL NO. 6317,
SUBSTITUTE SENATE BILL NO. 6327,
SUBSTITUTE SENATE BILL NO. 6331,
SENATE BILL NO. 6336,
SUBSTITUTE SENATE BILL NO. 6391,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6395,
SENATE BILL NO. 6403,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6413,
SUBSTITUTE SENATE BILL NO. 6414,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6420,
SUBSTITUTE SENATE BILL NO. 6424,
SUBSTITUTE SENATE BILL NO. 6437,
SUBSTITUTE SENATE BILL NO. 6438,
SUBSTITUTE SENATE BILL NO. 6442,
SUBSTITUTE SENATE BILL NO. 6457,
SENATE BILL NO. 6461,
SENATE BILL NO. 6491,
SUBSTITUTE SENATE BILL NO. 6496,
SENATE BILL NO. 6502,
SENATE BILL NO. 6516,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6519,
SUBSTITUTE SENATE BILL NO. 6531,
SENATE BILL NO. 6545,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6559,
SENATE BILL NO. 6577,
SUBSTITUTE SENATE BILL NO. 6587,
SUBSTITUTE SENATE BILL NO. 6592,
SUBSTITUTE SENATE BILL NO. 6609,
SENATE BILL NO. 6612,
SUBSTITUTE SENATE BILL NO. 6619,
ENGROSSED SENATE BILL NO. 6623,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6665,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6675,
SENATE BILL NO. 6679,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6680,
SUBSTITUTE SENATE BILL NO. 6682,
SENATE BILL NO. 6686,
SUBSTITUTE SENATE BILL NO. 6689,

ENGROSSED SENATE BILL NO. 6692,
SUBSTITUTE SENATE BILL NO. 6696,
ENGROSSED SENATE BILL NO. 6698,
SENATE BILL NO. 6700,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6701,
SENATE BILL NO. 6702,
ENGROSSED SENATE BILL NO. 6710,
SUBSTITUTE SENATE BILL NO. 6711,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8032,
SENATE JOINT MEMORIAL NO. 8043,
ENGROSSED SENATE JOINT MEMORIAL NO. 8047,
SENATE JOINT MEMORIAL NO. 8052,
SENATE CONCURRENT RESOLUTION NO. 8420,

MESSAGE FROM THE SENATE

March 11, 2004

Mr. Speaker:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8425, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1000,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1005,
SUBSTITUTE HOUSE BILL NO. 1012,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1013,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1019,
SUBSTITUTE HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1031,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053,
HOUSE BILL NO. 1064,
HOUSE BILL NO. 1072,
HOUSE BILL NO. 1119,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1123,
HOUSE BILL NO. 1133,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1151,
SUBSTITUTE HOUSE BILL NO. 1227,
SECOND SUBSTITUTE HOUSE BILL NO. 1230,
SECOND SUBSTITUTE HOUSE BILL NO. 1234,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1258,
SUBSTITUTE HOUSE BILL NO. 1283,
ENGROSSED HOUSE BILL NO. 1333,
SUBSTITUTE HOUSE BILL NO. 1357,
SUBSTITUTE HOUSE BILL NO. 1369,
HOUSE BILL NO. 1375,
SUBSTITUTE HOUSE BILL NO. 1488,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498,
ENGROSSED HOUSE BILL NO. 1510,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1517,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,
HOUSE BILL NO. 1575,
HOUSE BILL NO. 1583,
SUBSTITUTE HOUSE BILL NO. 1594,
SUBSTITUTE HOUSE BILL NO. 1603,
ENGROSSED HOUSE BILL NO. 1615,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,
HOUSE BILL NO. 1667,

HOUSE BILL NO. 1670,
SECOND SUBSTITUTE HOUSE BILL NO. 1702,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1723,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
ENGROSSED HOUSE BILL NO. 1746,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1796,
SUBSTITUTE HOUSE BILL NO. 1809,
SUBSTITUTE HOUSE BILL NO. 1820,
SECOND SUBSTITUTE HOUSE BILL NO. 1828,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1840,
SUBSTITUTE HOUSE BILL NO. 1862,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1872,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879,
HOUSE BILL NO. 1895,
SECOND SUBSTITUTE HOUSE BILL NO. 1897,
ENGROSSED HOUSE BILL NO. 1926,
ENGROSSED HOUSE BILL NO. 1927,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1928,
HOUSE BILL NO. 1935,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949,
HOUSE BILL NO. 1952,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1960,
HOUSE BILL NO. 1967
SUBSTITUTE HOUSE BILL NO. 1976,
SUBSTITUTE HOUSE BILL NO. 1982,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043,
ENGROSSED HOUSE BILL NO. 2044,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089,
SUBSTITUTE HOUSE BILL NO. 2090,
HOUSE BILL NO. 2100,
HOUSE BILL NO. 2129,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2131,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2167,
SUBSTITUTE HOUSE BILL NO. 2234,
HOUSE BILL NO. 2244,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2275,
SUBSTITUTE HOUSE BILL NO. 2298,
SUBSTITUTE HOUSE BILL NO. 2319,
SECOND SUBSTITUTE HOUSE BILL NO. 2322,
SUBSTITUTE HOUSE BILL NO. 2329,
HOUSE BILL NO. 2332,
SECOND SUBSTITUTE HOUSE BILL NO. 2339,
HOUSE BILL NO. 2344,
HOUSE BILL NO. 2345,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2347,
SUBSTITUTE HOUSE BILL NO. 2350,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,
SUBSTITUTE HOUSE BILL NO. 2361,
HOUSE BILL NO. 2377,
HOUSE BILL NO. 2380,
SUBSTITUTE HOUSE BILL NO. 2392,
SUBSTITUTE HOUSE BILL NO. 2394,
HOUSE BILL NO. 2395,
SUBSTITUTE HOUSE BILL NO. 2397,
HOUSE BILL NO. 2398,

SUBSTITUTE HOUSE BILL NO. 2404,
SECOND SUBSTITUTE HOUSE BILL NO. 2406,
SUBSTITUTE HOUSE BILL NO. 2414,
HOUSE BILL NO. 2415,
HOUSE BILL NO. 2420,
SUBSTITUTE HOUSE BILL NO. 2433,
HOUSE BILL NO. 2436,
HOUSE BILL NO. 2438,
SUBSTITUTE HOUSE BILL NO. 2439,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2441,
HOUSE BILL NO. 2450,
SUBSTITUTE HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2457,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2469,
HOUSE BILL NO. 2470,
HOUSE BILL NO. 2471,
SUBSTITUTE HOUSE BILL NO. 2478,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2481,
HOUSE BILL NO. 2484,
HOUSE BILL NO. 2490,
HOUSE BILL NO. 2498,
HOUSE BILL NO. 2499,
HOUSE BILL NO. 2501,
HOUSE BILL NO. 2505,
SUBSTITUTE HOUSE BILL NO. 2506,
HOUSE BILL NO. 2511,
HOUSE BILL NO. 2512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2513,
HOUSE BILL NO. 2520,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531,
HOUSE BILL NO. 2536,
HOUSE BILL NO. 2541,
HOUSE BILL NO. 2542,
ENGROSSED HOUSE BILL NO. 2545,
HOUSE BILL NO. 2547,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2550,
HOUSE BILL NO. 2553,
HOUSE BILL NO. 2563,
HOUSE BILL NO. 2578,
SUBSTITUTE HOUSE BILL NO. 2582,
SUBSTITUTE HOUSE BILL NO. 2585,
SUBSTITUTE HOUSE BILL NO. 2596,
SUBSTITUTE HOUSE BILL NO. 2600,
SUBSTITUTE HOUSE BILL NO. 2626,
HOUSE BILL NO. 2627,
HOUSE BILL NO. 2628,
HOUSE BILL NO. 2632,
SUBSTITUTE HOUSE BILL NO. 2652,
ENGROSSED HOUSE BILL NO. 2654,
SECOND SUBSTITUTE HOUSE BILL NO. 2661,
SUBSTITUTE HOUSE BILL NO. 2662,
HOUSE BILL NO. 2669,
SUBSTITUTE HOUSE BILL NO. 2670,
SUBSTITUTE HOUSE BILL NO. 2680,
SUBSTITUTE HOUSE BILL NO. 2686,
HOUSE BILL NO. 2688,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2689,
ENGROSSED HOUSE BILL NO. 2694,
HOUSE BILL NO. 2696,
SUBSTITUTE HOUSE BILL NO. 2701,
SECOND SUBSTITUTE HOUSE BILL NO. 2704,
SUBSTITUTE HOUSE BILL NO. 2711,
HOUSE BILL NO. 2720,
SUBSTITUTE HOUSE BILL NO. 2723,
SUBSTITUTE HOUSE BILL NO. 2732,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2736,
HOUSE BILL NO. 2742,
HOUSE BILL NO. 2743,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753,
HOUSE BILL NO. 2754,
HOUSE BILL NO. 2764,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2772,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2776,
SUBSTITUTE HOUSE BILL NO. 2777,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2779,
SUBSTITUTE HOUSE BILL NO. 2783,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2786,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2807,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2808,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816,
SECOND SUBSTITUTE HOUSE BILL NO. 2818,
HOUSE BILL NO. 2831,
SUBSTITUTE HOUSE BILL NO. 2837,
ENGROSSED HOUSE BILL NO. 2839,
HOUSE BILL NO. 2841,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2844,
SUBSTITUTE HOUSE BILL NO. 2846,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2851,
HOUSE BILL NO. 2854,
HOUSE BILL NO. 2866,
HOUSE BILL NO. 2867,
ENGROSSED HOUSE BILL NO. 2870,
SUBSTITUTE HOUSE BILL NO. 2871,
SUBSTITUTE HOUSE BILL NO. 2875,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879,
ENGROSSED HOUSE BILL NO. 2883,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2892,
SUBSTITUTE HOUSE BILL NO. 2906,
SUBSTITUTE HOUSE BILL NO. 2920,
HOUSE BILL NO. 2921,
HOUSE BILL NO. 2923,
SUBSTITUTE HOUSE BILL NO. 2931,
HOUSE BILL NO. 2935,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2941,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2955,
SUBSTITUTE HOUSE BILL NO. 3001,
SUBSTITUTE HOUSE BILL NO. 3020,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026,
HOUSE BILL NO. 3029,
SUBSTITUTE HOUSE BILL NO. 3039,
SUBSTITUTE HOUSE BILL NO. 3043,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3054,

SUBSTITUTE HOUSE BILL NO. 3066,
HOUSE BILL NO. 3070,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3080,
SUBSTITUTE HOUSE BILL NO. 3084,
SUBSTITUTE HOUSE BILL NO. 3090,
ENGROSSED HOUSE BILL NO. 3094,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3101,
SECOND SUBSTITUTE HOUSE BILL NO. 3112,
SUBSTITUTE HOUSE BILL NO. 3124,
HOUSE BILL NO. 3133,
SUBSTITUTE HOUSE BILL NO. 3164,
SUBSTITUTE HOUSE BILL NO. 3175,
ENGROSSED HOUSE BILL NO. 3183,
ENGROSSED HOUSE BILL NO. 3197,
ENGROSSED HOUSE BILL NO. 3200,
ENGROSSED HOUSE BILL NO. 3201,
SUBSTITUTE HOUSE BILL NO. 3204,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3205,
HOUSE JOINT MEMORIAL NO. 4018,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4032,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4036,
HOUSE JOINT MEMORIAL NO. 4039,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4042,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4043,
HOUSE JOINT RESOLUTION NO. 4204,
HOUSE JOINT RESOLUTION NO. 4205,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4416,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4417,
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same are herewith transmitted.

Milt H. Doumit, Secretary

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

MOTIONS

On motion of Representative Kessler, the reading of the Journal of the Sixtieth Day of the Regular Session of the 58th 2004 Legislature was dispensed with and it was ordered to stand approved.

On motion of Representative Kessler, the House of Representatives of the Regular Session of the 58th 2004 Legislature adjourned SINE DIE.

FRANK CHOPP, Speaker RICHARD NAFZIGER, Chief Clerk
JOURNAL OF THE HOUSE

SIXTIETH DAY, MARCH 11, 2004
